

DIARY—CONTENTS—EDITORIAL ITEMS.

DIARY FOR MARCH.

- 1. Thur..Last day for delivering appeal books in Court of Appeal.
- 4. SUN..3rd Sunday in Lent.
- 6. Tues..York changed to Toronto, 1834.
- 11. SUN..4th Sunday in Lent.
- 13. Tues..General Sessions and County Court Sittings for York.
- 14. Wed..York, Market town, 1814.
- 15. Tues..Court of Appeal sits. Last day for issuing shop and tavern licenses.
- 17. Sat...St. Patrick's day.
- 18. SUN..Palm Sunday.
- 23. Frid..Sir George Arthur, Lieut.-Governor of Upper Canada, 1838.
- 25. SUN..Passion Sunday.
- 30. Frid..Good Friday. Lord Metcalfe, Gov.-General, 1843.

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THE

Canada Law Journal.

Toronto, March, 1877.

WE are glad to be able to announce that arrangements have been made by the Law Society for a more regular and systematic publication in this journal of early notes of cases decided by the Superior Courts of Law and Equity at Osgoode Hall. This was commenced about a year ago, but partially discontinued owing to the press of work which had accumulated upon the Reporters. We are instructed to say that the publication of these notes will hereafter be continued with regularity and all possible promptitude. A want long and seriously felt by the profession will thus be supplied.

As we do not desire to delay the issue of this number, we publish it in two parts. It is intended that the second part shall, in addition to other matter, contain notes of the cases decided last Term.

It was held lately in Ireland, in the case of *Sheedy v. Conelly*, an action against an attorney by his client for negligence, that the presiding Judge before whom the case was tried in which the alleged negligence occurred, was a proper witness to depose to certain matters which had taken place during the trial. The Court put it on the ground that according to the usual practice the Judge's notes might by consent be given in evidence, but that if this was objected to, he could himself be examined. See *R. v. Gazard*, 8 C. & P. 595.

At law, the better opinion appears to be that letters before suit are not taxable if the suit is settled before the issue of the writ. In Chancery it would seem that such a letter is taxable, and that the fee allowed by the tariff "*letter of notice before instituting suit: fifty cents,*" can be claimed by the solicitor: see *Hutchinson v. Rapelje*, 2 Gr. 541. In addition to the cases which leave the matter in such a confused state (cited ante p. 15), reference may be had to *Caine v. Coulson*, 11 W. R. 239, where Martin, B. says: "I do not at all mean to say it is unreasonable that when a debtor has not paid a debt in the usual course, and the creditor has to employ an attorney for the purpose of enforcing it, the attorney should have a right to say, 'remit me the money and 6s. 8d. the costs of the letter.' I do not think there is anything unreasonable in that, nor do I think any blame ought to be imputed to an attorney for so writing."

However in the case of a wrongdoer the Courts have never deemed it proper