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THE LATE CHIEF JUSTICE JOHNSON.

"There is one event unto all." Four times within the space of three years have the bench and bar of this province had to mourn the death of a Chief Justice. Sir Antoine A. Dorion, Chief Justice of the Court of Queen's Bench, died 31 May, 1891; Sir Francis G. Johnson, Chief Justice of the Superior Court, died 27 May, 1894. Between these dates Sir Andrew Stuart and Sir William C. Meredith, ex-Chief Justices of the Superior Court, passed away. Add to these Sir John J. C. Abbott, an ex-premier, and the Hon. R. Laflamme, an ex-minister of justice of the Dominion, both of the Montreal bar, and one is forced to realize the immense gap that has been left in the ranks of the elders.

The friends of Sir Francis Johnson have been reluctantly compelled for some weeks past to recognize the fact that his illness could end in but one way. His naturally fine constitution was greatly weakened by a severe attack of influenza in the beginning of 1893, which kept him a prisoner to his house for four months; and although he rallied surprisingly during the summer, he had not sufficient strength to withstand, in his seventy-eighth year, a recurrence of the malady last December.

After a struggle which has lasted five months the end has come.

The deceased for nearly sixty years has been such a conspicuous figure in legal circles that it is hardly necessary at this time or in this place to advert at any length to his career. As an advocate he won his greatest successes before juries, and in the criminal courts. In his younger days he was not pre-eminent in the ordinary practice of the civil courts. The routine of office work did not suit him. But as crown prosecutor he appeared to great advantage, and perhaps never in the history of the province has the Crown been represented with greater dignity and decorum than during his term of office. At a comparatively early age he was elevated to the bench. At first apparently, his success was not great. He was appointed to a country district, (Bedford) and his decisions were frequently taken to Review and overruled. Which court was right we do not pretend to say. But from the date of his transfer to the bench of this district, now more than twenty-two years ago, a marked increase of reputation came to him. He acquitted himself so well as to surprise even those who were acquainted with his powers. Judge Johnson in that period undoubtedly worked very hard, and in this labor he was stimulated by the high respect which he always entertained for the judicial office. When he took his seat on the bench all men knew that justice would be administered fearlessly and independently. We have heard it stated that he was severe in his demeanor on the bench. He was severe in his denunciation of everything savoring of chicanery, and he was stern where he perceived trifling or inadequate preparation of cases on the part of counsel. But he had a ready and generous appreciation of honest effort, and an admiration of professional efficiency. He had a reverence for the judicial office and a high regard for the profession of advocacy, and he resented and scorned all that tended to degrade one or the other. He was far from

ostentatious in the manifestation of sympathies, but so far as they are compatible with the judicial office, they were always on the side of justice and fair play.

The sincere regret manifested at the large meeting held at Montreal on the 29th May, presided over by the *bâtonnier* Mr. John Dunlop, Q. C., showed that the bar of this section were not unmindful of his sterling qualities, nor ignorant of their own great loss. Mr. St. Pierre, Q. C., aptly bore testimony to the mental youth and vigour which the Chief Justice, like many great lawyers, retained even to his latest days. We have been proud of our Chief Justice, and with good reason. He was a master of the art of clothing bold and striking conceptions in graceful and polished language. On or off the bench, he was ever felicitous in phrase, and his written judgments often reflect his wit and rhetorical power. There have been minds of more strictly legal cast among our judges, but it is hardly probable that we shall soon see amongst us so great a master of judicial eloquence.

THE MAY APPEAL TERM.

The January term of the Court of Appeal at Montreal, opened with 99 cases on the list. On the 22nd of May the last of these cases was reached in ordinary course, and on the 25th of May the last Montreal case on the March list was also disposed of. Several appeals from judgments rendered in 1894 were heard in their ordinary turn. There remain, therefore, of the appeals taken up to March, only a few cases passed over at the request of counsel, and a few country appeals. The number of new appeals taken between March and May was only 12. Practically, therefore, there are no arrears in this court, and the September list will hardly exceed fifty. At present an appeal to this court is as expeditious as a resort to the Court of Review.

SUPREME COURT OF CANADA.

OTTAWA, February 20, 1894.

THE QUEEN v. CIMON.

Quebec.]

Petition of Right—46 Vict. c. 27 (P.Q.)—Contract—Final certificate of the engineer—Extras—Practice as to plea in bar not set up.

A contract entered into between Her Majesty the Queen in right of the Province of Quebec and F. X. Cimon, Esq., for the construction of three of the departmental buildings at Quebec contained the usual clauses that the balance of the contract price was not payable until a final certificate by the engineer in charge was delivered showing the total amount of work done, and materials furnished and the cost of extras and the reduction in the contract price upon any alterations. There was a clause providing for the final decision by the Commissioner of Public Works in matters in dispute upon the taking over or settling for the works. The Commissioner of Public Works, after hearing the parties, gave his decision that nothing was due to the contractors, and the engineer in charge by his final certificate, declared that a balance of $31.36 was due upon the contract price, and $42.84 on extras.

The suppliants by their petition of right claimed *inter alia* $70,000 due on extras. The Crown pleaded general denial and payment.

The Superior Court granted the suppliant $74.20, the amount declared to be due under the final certificate of the engineer. On appeal the Court of Queen's Bench for Lower Canada (Appeal side) increased the amount to $13,198.77, interest and costs.

Held, reversing the judgment of the Court *à quo* and restoring the judgment of the Superior Court, that the suppliants are bound by the final certificate given by the engineer under the terms of the contract. *Guilbault* v. *McGreevy* (18 Can. S. C. R 609).

Per Fournier and Taschereau, JJ., dissenting, that as the non-production of the final certificate had not been set up in the pleadings as a bar to the action, and there was an admission of record by the Crown that the contractor was entitled to 20 per cent. commission on extras ordered and received, the evidence

fully justified the finding of the Court of Queen's Bench that the commission of 20 per cent. was still due and unpaid on $65,837.09 of said extra work.

Appeal allowed with costs.

G. Stuart, Q.C., for appellant.

G. Amyot, Q.C., for respondent.

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20 February, 1894.

BAPTIST v. BAPTIST.

Quebec.]

Will—Testamentary capacity—Senile dementia—Undue influence —Art. 831, *C. C.*

In 1889 an action was brought by G. H. H. in capacity of curator to Mrs. B. an interdict, against A., in order to have certain deeds of transfer made to him by Mrs. B., his mother, set aside and cancelled. Mrs. B. having died before the case was brought on to trial, the respondent M.B., presented a petition for continuance of the suit on her behalf as one of the legatees of her mother under a will dated the 17th November, 1869. This petition was contested by A.B. who based his contestation on a will dated the 17th January, 1885 (the same date as that of the transfer attacked by the original), whereby the late Mrs. B. bequeathed the residue of all her property, etc., to her two sons. Upon the merits of the contestation as to the validity of the will of the 17th January, 1885,

Held, affirming the judgment of the Court below, (R.J.Q., 1 B R. 447.) 1o that art. 831, C. C., which enacts that the testator must be of sound mind, does not declare null only the will of an insane person, but also the will of all those whose weakness of mind does not allow them to comprehend the effect and consequences of the act which they perform ; 2o that upon the facts and evidence in the case which appeared in the judgments (see also 21 Can. S.C.R. 427) the will of the 17th January, 1885, was obtained by A. B. at a time when Mrs. B. was suffering from senile dementia, and weakness of mind, and was under the undue influence of A. B., and should be set aside.

Appeal dismissed with costs.

Stuart, Q.C., and *Olivier*, for appellant.

Laflamme, Q.C., and *Lafleur*, for respondent.

20 Feb. 1894.

VIRGO v. CITY OF TORONTO.

Ontario.]

Municipal corporation—By-law—Power to "license, regulate and govern" trade—Partial prohibition—Discrimination—Repugnancy.

By a by-law of the City of Toronto, hawkers, petty chapmen and other small traders were prohibited from pursuing their respective callings on certain streets comprising the principal business part of the city, and covering an area of about ten miles.

Held, that the authority given to municipal councils by sec. 495 (3) of the Municipal Act to license, regulate and govern trades, did not empower the city council to pass this by-law, which was, therefore, *ultra vires*. Judgment of the Court of Appeal (20 Ont. App. R. 435) reversed, Fournier and Taschereau, JJ., dissenting.

A by-law of the city council provided that hawkers and peddlers of fish, etc., and small wares that could be carried in a hand basket, should not be required to take out a license.

Held, that a subsequent by-law fixing the license fee for hawkers and peddlers of fish was not void for repugnancy. Judgment of the Court of Appeal affirmed, Gwynne and Sedgewick, JJ., dissenting.

Du Vernet for the appellants.

Mowat for the respondents.

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20 Feb., 1894.

NIXON v. THE QUEEN INSURANCE CO.

Nova Scotia.]

Fire insurance—Condition of policy—Particular account of loss—Failure to furnish—Finding of jury—Evidence.

A policy of insurance against fire required that in case of loss the insured should, within fourteen days, furnish as particular an account of the property destroyed, etc. as the nature and circumstances of the case would admit of. The property of N., insured by this policy, was destroyed by fire and in lieu of the required account he delivered to the agent of the insurers an affidavit in which, after stating the general character of the property insured, he swore that his invoice book had been burned and he had no adequate means of estimating the exact amount of

his loss, but that he had made as careful an estimate as the nature and circumstances of the case would admit of, and found the loss to be between $3,000 and $4,000.

An action on the policy was defended on the ground of non-compliance with said condition. On the trial the jury answered all the questions submitted to them, except two, in favour of N. These two questions, whether or not N. could have made a tolerably complete list of the contents of his store immediately before the fire, and whether or not he delivered as particular an account etc. (as in the conditions), were not answered. The trial judge gave judgment in favour of N. which the court en banc reversed and ordered judgment to be entered for the company.

Held, affirming the decision of the Court en banc (25 N. S. Rep. 317), that as the evidence conclusively showed that N., with the assistance of his clerk, could have made a tolerably correct list of the goods lost, the condition was not complied with.

Held, further, that as under the evidence the jury could not have answered the questions they refused to answer in favour of N., a new trial was unnecessary and judgment was properly entered for the company.

Appeal dismissed with costs.

Borden, Q.C., for the appellant.
Harrington, Q.C., and *Mellish* for the respondents.

20th Feb., 1894.

SALTERIO v. CITY OF LONDON FIRE INS. CO.

Nova Scotia.]

Fire insurance—Condition against assigning policy—Breach of condition.

A condition in a policy of insurance against fire, provided that if the policy or any interest therein should be assigned, parted with or in any way encumbered the insurance should be absolutely void, unless the consent of the company thereto was obtained and indorsed on the policy. S., the insured under said policy, assigned by way of chattel mortgage, all the property insured and all policies of insurance thereon, and all renewals thereof to a creditor. At the time of such assignment S. had

other insurance on said property, the policies of which did not prohibit their assignment. The consent of the company to the transfer was not obtained and indorsed on the policy.

Held, affirming the decision of the Supreme Court of Nova Scotia, that the mortgage of the policy by S. without such consent made it void and he could not recover the amount insured in case of loss.

Appeal dismissed with costs.

Harrington, Q.C., for the appellant.

Newcombe, Q.C., for the respondents.

20th Feb., 1894.

FRASER v. FAIRBANKS.

Nova Scotia.]

Sale of land—Sale subject to mortgage—Indemnity of vendor—Special agreement—Purchaser trustee for third party.

L. F. agreed in writing to sell land to C. F. and others, subject to mortgages thereon, C. F. to hold same in trust to pay half the proceeds to L. F., and the other half to himself and associates. When the agreement was made it was understood that a company was to be formed to take the property, and before the transaction was completed such company was incorporated and L. F. became a member receiving stock as part of the consideration for his transfer. C. F. filed a declaration that he held the property in trust for the company, but gave no formal conveyance. An action having been brought against L. F. to recover interest due on a mortgage against the property, C. F. was brought in as third party to indemnify L. F., his vendor, against a judgment in said action.

Held, reversing the decision of the Supreme Court of Nova Scotia, Taschereau and King, JJ., dissenting, that from the evidence it appeared that the original agreement contemplated the sale being to the company and not to C. F., and the latter was not liable to indemnify the vendor.

Appeal allowed with costs.

Borden, Q.C., for the appellant.

Harris, Q.C., for the respondent.

20th Feb., 1894.

PARKS v. CAHOON.

Nova Scotia.]

Title to land—Disseisin—Adverse possession—Paper title—Joint possession—Statute of limitations.

A deed executed in 1856 purported to convey land partly in Lunenburg and partly in Queen's County, N.S., of which the grantor had been in possession up to 1850 when C. entered upon the portion in Lunenburg county, which he occupied until his death in 1888. The grantee under the deed never entered upon any part of the land and in 1866 he conveyed the whole to a son of C., then about 24 years old who had resided with C. from the time he took possession. Both deeds were registered in Queen's. The son shortly after married and went to live on the Queen's county portion. He died in 1872 and his widow after living with C. for a time, married P., and went back to Queen's county. P. worked on the Lunenburg land with C. for a few years when a dispute arose and he left. C., afterwards and by an intermediate deed, conveyed the land in Lunenburg county to his wife.

On one occasion P. sent a cow upon the land in Lunenburg county which was driven off, and no other act of ownership on that portion of the land was attempted until 1890, after C. had died, when P. entered upon the land and cut and carried away hay. In an action of trespass by C's widow for such entry the title to the land was not traced back beyond the deed executed in 1856.

Held, affirming the decision of the Supreme Court of Nova Scotia (25 N. S. Rep. 1) that C's son not having a clear documentary title his possession of the land was limited to such part as was proved to be in his actual possession and in that of those claiming through him; that neither he nor his successor in title ever had actual possession of the land in Lunenburg county; and that the possession of C. was never interfered with by the deeds executed, and having continued for more than twenty years he had a title to the land in Lunenburg county by prescription.

Appeal dismissed with costs.

McInnes, for the appellant.

Borden, Q.C., for the respondent.

20th Feb., 1894.

MORSE v. PHINNEY.

Nova Scotia.]

Chattel mortgage—Affidavit of bona fides—Compliance with statutory form—R.S.N.S. 5th ser., c. 92, s. 4.

By R.S.N.S., 5th ser., c. 92, s. 4, every chattel mortgage must be accompanied by an affidavit of *bona fides* "as nearly as may be" in the form given in a schedule to the act. The form of the jurat to such affidavit in the schedule is: "Sworn to at.....in the county of....., this.....day of.....A.D.....

Before me....., a commissioner," etc.

Held, reversing the judgment of the Supreme Court of Nova Scotia, Gwynne, J., dissenting, that where the jurat to an affidavit was "sworn to at Middleton this 6th day of July, 1891," etc., without naming the county, it avoided the mortgage, notwithstanding the affidavit was headed "in the county of Annapolis," and that the defect was not cured by ch. 1, sec. 11 of the same series, providing that where forms are prescribed, slight deviations from forms, not affecting the substance nor calculated to mislead, shall not vitiate them. *Archibald v. Hubley* (18 Can. S.C.R. 116) followed; *Smith v. McLean* (21 Can. S.C.R. 355) distinguished.

Appeal allowed with costs.

Borden, Q.C., for the appellant.

Harrington, Q.C., for the respondent.

COURT OF APPEAL.

LONDON, May 8, 1894.

Before LINDLEY, L.J., LOPES, L.J., KAY, L.J.

LEMMON v. WEBB (29 L.J. 295.)

Nuisance—Abatement—Overhanging trees—Right of adjoining owner to cut—Notice, whether necessary.

Appeal from a decision of Kekewich, J.

The plaintiff and defendant were adjoining landowners. The branches of some old trees situated on the plaintiff's land projected over the defendant's land. The defendant cut off so much of the branches as projected over his land, without going on to

the plaintiff's land and without previously giving notice to the plaintiff. The plaintiff brought an action for an injunction and damages. Kekewich, J., held that the cutting without notice was not justifiable except in a case of emergency, and he gave judgment for the plaintiff for 5*l.* and costs.

The defendant appealed.

Their Lordships allowed the appeal. The law was thus laid down by Lindley, L J.: "The owner of a tree has no right to prevent a person lawfully in possession of land into or over which its roots or branches have grown from cutting away so much of them as projects into or over his land, and the owner of a tree is not entitled to notice unless his land is entered in order to effect such cutting. However old the roots or branches may be, they may be cut without notice, subject to the same condition. The right of an owner or occupier of land to free it from such obstructions is not restricted by the necessity of giving notice so long as he confines himself and his operations to his own land, including the space vertically above and below the surface."

CHANCERY DIVISION.

LONDON, April 27, 1894.

Before KEKEWICH, J.

In re BIRD. BIRD v. CROSS.

Will—Condition—Non-fulfilment—Lunacy—Act of God.

A testator bequeathed to his son John one fifth of his residuary estate, "but in case my said son John shall not within three years of the date of my death return to England and personally appear before the trustees of this my will, and identify himself to them to their satisfaction," then the testator gave the said share to other persons. At the date of the death of the testator his son John was a lunatic, with occasional lucid intervals, and confined in a lunatic asylum in Sydney, New South Wales; and in consequence of his lunacy he had failed to perform the condition.

Kekewich, J., held that the lunacy was an act of God, rendering the performance of the condition impossible by the lunatic, and that, the condition being subsequent, he was entitled to the one-fifth share of the testator's estate.

COLONIAL JURISDICTION OVER RESIDENTS IN ENGLAND.

The case of *Ashbury* v. *Ellis*, decided last year by the Judicial Committee of the Privy Council (62 Law J. Rep. 107; L. R. (1893) A. C. 339), opens up a rather disturbing prospect of possible eccentricities of colonial legislation. The question at issue was substantially whether the New Zealand Legislature was entitled to pass laws enabling the local tribunals to issue judgment against an Englishman resident in England who had no notice of the process The Judicial Committee decided that such a law was not outside the powers of the New Zealand Legislature as defined by the Imperial statute 15 and 16 Vict., c. 72. They wisely refrain, however, from expressing any opinion on the international validity of a judgment so obtained. The facts of the case were as follows. The appellant was domiciled in England. He was not, at the time the actions were commenced, present either in person or by agent in the colony, and had not been there since December, 1886, when he paid a short visit, and never had a permanent residence there. At the time the writs were issued he was resident in London. He was sued in New Zealand on bills of exchange indorsed by his agent some years ago. The Judicial Committee base their decision on the interpretation they give to the Act of Parliament (15 and 16 Vict., c. 72), which gives to the Legislature of New Zealand power "to make laws for the general order and good government of New Zealand, provided that no such laws be repugnant to the laws of England." The Judicial Committee hold that laws authorizing judicial proceedings against absentees are not repugnant to the laws of England. "In fact, they are framed on principles adopted in England." It will be sufficient to cite the rule in question to show how far this statement is borne out by facts. The rule is as follows: "In actions founded on any contract made or entered into, or wholly or in part to be performed within the colony, on proof that any defendant is absent from the colony at the time of the issuing of the writ, and that he is likely to continue absent, and that he has no attorney or agent in the colony known to the plaintiff who will accept service, the Court may give leave to the plaintiff to issue a writ and proceed thereon without service." (New Zealand Code, 46 Vict., No. 29.)

It is difficult to see how it is to be shown that the principles of this rule have been adopted in England. It is true that, in cer-

tain cases, process is allowed against residents abroad, but it is fenced round with many restrictions, and the Courts have expressly declared that in framing the rules regard has been had to the limits of jurisdiction under international law, and to proved remonstrances of foreign governments, who resent an unjustifiable assumption of jurisdiction over their subjects. And, furthermore, in the interpretation as well as in the framing of rules of procedure, English Courts keep steadily in view the limits of international jurisdiction. In the recent case of *The St. Gobain Channy & Cirey Company* v. *Hoyermann's Agency*, 62 Law J. Rep. 485; L. R. (1893) C. A. 96 (Lord Esher, M.R., and Mr. Justice Smith), the true rule of interpretation is laid down by Lord Esher: "The words 'any person carrying on business within the jurisdiction in a name or style other than his own name' are large enough to include a foreigner resident abroad, and to include one who has never been in England in his life, and has never had the protection of English law, and is merely carrying on business by his agents in England. But the question is, Ought the Court so to construe those words as to include such a person? If the rule had contained words expressly in terms including a foreigner resident abroad, then the Court would have been bound to obey the directions of its own legislature: but when the words used are capable of one or other construction, then the Court ought to adopt the construction which will prevent an infringement upon the principles of international law." English Courts have protested against the French Civil Code (art. 14), which contains a claim to issue judgments against foreigners abroad under precisely analogous circumstances to those contemplated by the New Zealand Act. (See *Schibsley* v. *Westenholz*, 40 Law J. Rep. Q. B. 73.) Such a claim is rightly regarded by English and other Courts as based on a usurpation of jurisdiction, and judgments of the kind cannot be enforced in England.

It is to be regretted, therefore, that the interpretation of the Judicial Committee of the statute conferring power on the New Zealand Legislature should have opened the door to so wide an abuse of authority. The matter is now beyond any remedy except that through legislation of the Imperial Parliament. Except, indeed, that if New Zealand judgments of the kind are brought here for enforcement, no ordinary Courts will have an opportunity of expressing an opinion on their validity. The Judicial Committee apparently anticipate this: "It was said that a judg-

ment so obtained could not be enforced beyond the limits of New Zealand, and several cases of suits founded on foreign judgments were cited. Their lordships only refer to this argument to say that it is not relevant to the present issue. When a judgment of any tribunal comes to be enforced in another country, its effects will be judged of by the Courts of that country with regard to all the circumstances of the case." Among such circumstances, English Courts have always placed the validity of the claim to jurisdiction under international law. Meanwhile, it is to be hoped that the more sober-minded of colonial legislatures will not too hastily enter on the path of assuming jurisdiction over Englishmen resident in England. New Zealand seems a land for experiments in legislation—from women's franchise to jurisdiction over the world in general.—*Law Journal* (*London*).

CHIEF JUSTICE JOHNSON.

Sir Francis Godschall Johnson, Knight, Chief Justice of the Superior Court of Quebec, died May 27, 1894, in the 78th year of his age. He was born at Oakley House, Bedfordshire, England, on the 1st of January, 1817. His father, Godschall Johnson, was an officer in the 10th Royal Hussars, afterwards British consul-general in Belgium, and his mother a daughter of Sir Cecil Bisshopp, and sister of Col. Cecil Bisshopp, who lost his life on the Niagara frontier during the war of 1812-14. The deceased judge was educated at St. Omer, France, and at Bruges, Belgium. He came to Canada in 1835, and entered upon the study of the law in the office of the late Mr. Justice Day. He was called to the Bar in 1839, and began the practice of his profession in Montreal. In 1846, before he was thirty years of age, he was appointed a Q. C. In 1854 he was appointed Recorder of Rupert's Land and Governor of Assiniboia, with a residence at Fort Garry. In 1858 he returned to Montreal, and resumed the practice of the law. For some years he represented the Crown in the Montreal district. In 1865 he was elevated to the Superior Court bench. In 1870 he was again sent to the Red River district, and assisted in the establishment of a regular government and the organization of a judicial system in the Province of Manitoba. He also served as commissioner in hearing and determining claims for losses during the first Riel rising. In 1872 he was named Lieutenant-Governor of Manitoba, but a technical difficulty being

raised, he returned to his judicial duties. In December, 1889, on the resignation of Sir Andrew Stuart, he was appointed Chief Justice of the Superior Court, and shortly after the honor of knighthood was conferred upon him. While at the Bar he acted as secretary of the commission that revised the statutes of Lower Canada. In early life he became the friend of the late Sir John Macdonald, of whose ability he had the highest opinion.

Sir Francis Johnson married, first, in September, 1840, Mary Gates Jones, daughter of Nathaniel Jones of Montreal; and, secondly in March, 1857, Mary Mills, daughter of John Milliken Mills, of Somersetshire, England. The latter survives him.

On the 31st ult., the Court of Review having met as usual to render judgments, nearly all the judges of the Court were present, and there was also a large attendance of the bar. Mr. Justice Jetté, the senior justice, addressed the bar as follows :—

"C'est la première fois que cette cour se réunit depuis la mort de notre regretté juge en chef et je ne saurais laisser passer cette occasion sans me faire l'interprète de mes collègues du Banc et de vous tous, pour exprimer publiquement la douleur que nous éprouvons en présence de cette tombe qui vient de se fermer.

"C'est le grand honneur de notre profession, dans tous les pays du monde, de savoir s'élever au-dessus des étroits sentiments de rivalité, et de reconnaître volontiers, même avant que la mort soit devenue le mérite de ceux qui nous ont précédés.

"Le magistrat distingué que le pays vient de perdre avait, depuis longtemps, su conquérir le premier rang parmi nous. Intelligence d'élite, esprit large, sans préjugés, et d'une culture exceptionnelle, il relevait à la hauteur de sa pensée toutes les questions dont il avait à s'occuper.

Qui n'a admiré, à chaque fin du mois, dans cette enceinte, cette noblesse de langage, ce bonheur d'expressions, qui donnaient tant d'attraits à ses résumés des causes qu'il avait à juger? Qui n'a remarqué cette facilité avec laquelle il s'exprimait, soit en français, soit en anglais, possédant cet avantage important dans sa position de parler bien les deux langues.

Respectueux des nobles traditions qui ont fait la force et la gloire de la magistrature et du barreau chez les deux grandes nations qui ont peuplé cette province, nul plus que lui n'avait le sentiment de la dignité professionnelle. Et ce sentiment, il l'exprimait en toutes occasions.

"Il serait difficile en ce temps de décadence, au moment où disparaît de plus en plus cette grande force du respect de soi-même et des autres, il serait difficile, dis-je, de s'exagérer l'importance de ces précieux exemples. Souhaitons, messieurs, que ces traditions soient toujours vivaces et tâchons de les conserver avec le souvenir de ceux qui savent ainsi nous les rappeler.

"Quant à nous qui avons été associés pendant des années aux travaux de cet éminent magistrat, nous aurons un motif de plus de respecter et de chérir sa mémoire; nous n'oublierons jamais l'exquise délicatesse avec laquelle il savait nous cacher son autorité et s'acquitter des devoirs de sa haute fonction en laissant cependant à chacun de nous la plus large part d'initiation et de sa responsabilité personnelle. Ce rare talent de faire ainsi accepter son contrôle et son autorité n'est donné qu'aux esprits vraiment supérieurs, et notre regretté juge en chef l'avait au plus haut degré."

Mr. John Dunlop, Q. C., *bâtonnier*, made an appropriate reply on behalf of the bar.

GENERAL NOTES.

BANQUET TO MR. JUSTICE DAVIDSON.—On May 8, Mr. Justice Davidson visiting his native county, Huntingdon, on judicial business for the first time since his elevation to the bench, was tendered a complimentary banquet by the principal citizens.

SIR L. E. N. CASAULT.—Mr. Justice Casault, of the Superior Court, and who for some years has filled the position of acting Chief Justice at Quebec, has received the honour of knighthood. Mr. Justice Casault was born in 1823, educated at the Seminary of Quebec, admitted to the bar in 1847, appointed Queen's Counsel in 1867, and elevated to the bench in May, 1870. By the death of Chief Justice Johnson, Judge Casault becomes the senior justice of the Court.

COURT OF CRIMINAL APPEAL.—It has been announced in the English House of Commons that the Government has no present intention of introducing legislation on the subject of a Court of Crimiual Appeal.

ATHLETES AT THE BAR.—The compatibility of athletics and work of a more serious kind is often illustrated by the successful career of athletes at the Bar and on the Bench. But we believe that prior to last week the spectacle was never witnessed of a Solicitor-General competing in an important tennis handicap. We regret to find that Mr. R. T. Reid was not successful, though we read that he showed much skill, and wanted but a trifle more fortune to have scored several contested points.—*Law Journal, (London.)*