

discretion. It is surprising that a rule apparently so unnecessary, and in some cases entailing considerable hardship, should have been tolerated so long, and it is equally surprising that when it is at last proposed to modify it by giving the judge a discretion, one of the superior judges writes to the newspapers disapproving of the suggestion. To add to the absurdity, the accused may go out on bail while the jury are kept under lock and key. The distinction between felony and misdemeanour has been wholly abolished in Canada, (article 535, Criminal Code) and in this particular we have anticipated a reform which will probably be adopted before long in England. The distinction, it is stated, has had some strange consequences. In the Tichborne case, for example, the idea of trying the accused for forgery had to be abandoned because it would have been impossible to keep a jury locked up so long. The extract from the Imperial Commissioners' report given by Mr. Justice Taschereau under Article 535 seems to favor the change.

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In *Salomon v. Salomon*, the House of Lords, (16 Nov.) reversing the decision of the Court of Appeal, (L. R. 1895, 2 Chanc. 323; 64 Law J. Rep. Chanc. 689), laid down the important principle that where a trader, who is solvent, converts his business into a limited liability company, and all the statutory requirements for the constitution of the company are fulfilled, the court is not entitled to speculate on the motives which induced the trader to turn his business into a company, or to impose conditions as necessary to the validity of the company which are not found in the statutes. The mere fact that the trader is virtually sole owner of the concern, the other shareholders having only a nominal interest, does not authorize the court to rescind the agreement for the sale and purchase of the business. The late Sir Geo. Jessel long ago asked whether any good reason could be assigned why one person should not trade with limited liability. Why