

## The Legal News.

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There is one particular in which we do not adhere to English practice, and the divergence is most certainly not an improvement. In England vacancies which occur on the bench are filled promptly—usually within a few days after the decease or resignation of the previous occupant. Here the Chief Justiceship of the Superior Court has been vacant for several months, and still there is no intimation that a successor to Chief Justice Meredith is about to be named. Meanwhile the Court is incomplete, for the law says that the Superior Court “shall consist of a Chief Justice” and so many *puisné* judges.

It should be clearly understood by the profession that the attempt which, it is said, is about to be made to revive the *Jurist*, is projected in defiance of the unanimous decision of the Editorial Committee to abandon it, of which decision the printer received notice in writing early in October last. If persisted in, it will, in effect, be an undertaking entirely new so far as the preparation of the contents is concerned.

The annual report of the Council of the Montreal Board of Trade again treats of the subject of insolvency legislation. It is stated that the Council has been in correspondence with chambers of commerce in Great Britain, viz.: those of London, Liverpool, Glasgow, &c.,—copies of the bill laid before parliament having been supplied to those bodies. The expression of opinion by these and other chambers is to the effect that the credit of Canada is imperilled by the want of legislation that will protect the interests alike of the home and foreign creditor. The report proceeds to say that “the Council has noticed that, during the recent visit of Sir John A. Macdonald to Toronto, he was waited upon by a deputation from the Board of Trade of that city, on the subject of insolvency legisla-

tion. In his reply, the Premier referred to the popular objections to insolvency legislation, which have thus far proved sufficiently powerful to prevent the passage of a bill. The Council would venture, however, to point out that those objections apply only to the provisions for composition and discharge, which were undoubtedly greatly abused under the old law. They in no way apply to a measure confined in its scope to the equitable distribution of the estates of insolvent debtors, which is all this board has been asking for. Efforts will be continued to secure the passage of a law, during the approaching session of parliament, providing for such equitable distribution.”

The Council also urges the necessity for a revision of the Extradition Treaty. “This question,” the report states, “was brought under consideration in consequence of the frequent instances that have occurred of flagrant criminals, fugitives from justice, having found sanctuary either in the United States or Canada, as the case may be, in consequence of its being alleged that the crimes charged against the parties did not come within the scope of the existing treaty between Great Britain and the United States. A letter embodying the views of the Council regarding the necessity for a revision of it was sent to the Minister of Justice.”

The *Montreal Law Reports* for February are now issued. The Queen's Bench series comprises pp. 49 to 112, and the Superior Court series pp. 49 to 96, making 112 pages in all. A number of important decisions are contained in these issues. In *Gauthier v. St. Pierre* the privilege of counsel while pleading or examining witnesses is fully treated by Mr. Justice Jetté. In *Joubert v. Walsh*, an important question of substitutions is decided by Mr. Justice Rainville. In the case of *St. Lawrence and Chicago Forwarding Co. & The Molsons Bank*, the opinions of the Court are unusually elaborate, the case involving questions of considerable importance upon the law of bills of lading, and the position of banks making advances thereon. Mr. Justice Monk, who dissented, contributes to the