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CAPIAS FOR INTENDED DEPARTURE.

The decision in appeal in the case of *Hurtubise & Bourret* (2 Legal News, 54; 23 L. C. J. 130), in which the law of *capias* was fully examined by Chief Justice Dorion, has already been followed in three somewhat prominent instances, and probably in other cases which have not been noticed in the reports. In *Hurtubise & Bourret*, the Queen's Bench held "qu'il faut que le déposant donne dans son affidavit des raisons suffisantes pour satisfaire la cour que c'est avec l'intention de frauder que le débiteur est sur le point de laisser immédiatement la Province." Mr. Justice Jetté in *Ambrois v. Malleval* (2 Legal News, 159), gave a similar decision. In *Henderson v. Duggan* (5 Q. L. R. 364), in which case the debtor was a Canadian going abroad, Chief Justice Meredith held that even a person domiciled in Canada, and about to go to a foreign country, perhaps permanently, could not be arrested on *capias*, unless the departure was with fraudulent intent; and such fraudulent intent cannot be inferred from the proposed departure of a debtor who has left his debts unpaid. In other words, unless fraudulent intent be shown by the circumstances, a Canadian who is unable to pay his debts, cannot be prevented from going abroad to seek employment; nor can a person, resident abroad, and who comes temporarily within the jurisdiction, be prevented from returning to his foreign domicile, on the ground that he has debts in Canada.

In *Paulet v. Antaya*, noted in the present issue, the Court of Review follows the same doctrine, and the law on the subject is again stated in plain terms. No doubt further cases will frequently arise, as such proceedings are commonly taken in haste, on imperfect information, and are sometimes successful in bringing about a settlement, although not well supported by the facts. But an abuse of the process of the Court may not be without some risk.

LOANS BY CORPORATIONS.

In the case of *Royal Canadian Insurance Co. v. The Montreal Warehousing Co.*, Mr. Justice Johnson has elucidated a point which has already been briefly noticed in *Macdougall v. The Montreal Warehousing Co.*, decided by Mr. Justice Mackay (3 Legal News, 64). The latter case was inscribed in review from Judge Mackay's judgment, but the defendants desisted from their inscription before a judgment was rendered by the Court of Review.

Judge Johnson agrees with the learned Judge who rendered the previous decision, that the local legislature may grant authority to a local corporation to borrow at any legal rate, and he holds that, as the law now stands, for any company incorporated since 1858, any rate which may be specially agreed on between the borrower and the lender is a legal rate.

DEBTOR AND CREDITOR.

There is a spice of ferocity in the dealings of some Texan creditors with their debtors that carries one back to the days of the ancient *manus injectio*. One Wilson was creditor of a man named Buchanan for a sum of forty dollars. Meeting his debtor, he drew a knife and vowed that if Buchanan did not pay him what he owed him by the day after the morrow, he would kill him on sight. The debtor said: "Then you will have to kill me; for I have not the money, can't get it, and don't intend to try." Thereupon Wilson was as good as his word, and stabbed Buchanan in several places with the knife, wounding him so severely that he died about forty minutes after the occurrence. The jury, under a law of the State which gives them power to assess the punishment, awarded the murderer ten years' imprisonment, and the Court of Appeals has affirmed the conviction, remarking that the jury had tempered the law with mercy. (6th Texas Criminal Reports, p. 427.) This creditor was even more peremptory than the milkman in Toronto, who being unable to collect his dues, walked up and down in front of his debtor's residence, with a placard on his breast, bearing the inscription, "I am waiting for my milk bill;"—a variation of the ordinary style of dunning for which he was fined by the police magistrate.