

The Legal News.

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The London *Law Journal* referring to a recent judicial appointment which has been criticized, says:—"Experience teaches that no prophecies are more often falsified than those which pretend to forecast the success or failure of a judicial career. It would be easy to point to cases in which selections condemned at the time have been by the event proved to be wise. It would be equally easy to point to more than one case in which the judge, to use the words of Tacitus, was 'consensu omnium capax imperii nisi imperasset.' The fact is, that so many qualities go to make a good judge, it is not enough for a man to be a learned lawyer or a powerful advocate. He may be either or both of these without having the virtues of good temper, patience, discretion, fairness of mind, knowledge of the world, and industry—all of which are most desirable in a judge."

By Section 89 of the Banking Bill now before the House, the Government propose to lay their hands upon monies the precise amount of which it is impossible to estimate. The Banks make a return of unclaimed dividends, but besides these sums, there are deposits made in banks by persons who for some reason or other do not claim them, and of which nothing is ever heard. The section reads as follows:—

"The bank shall, within twenty days after the close of each calendar year, transmit or deliver to the Minister of Finance and Receiver General, to be by him laid before Parliament, a statement of all dividends which have remained unpaid for more than five years, and also of all amounts or balances due by the bank to any person or persons, firm or corporation, whether in his or their own name or names, or in a representative capacity, in respect to which no transactions have taken place or upon which no interest has been paid during the five years prior to the date of such statement: Provided always,

that in case of moneys deposited for a fixed period, the period of five years above referred to shall be reckoned from the date of the termination of such fixed period:

"2. Such statement shall set forth the name of each creditor, his last known address, the amount due, the agency of the bank at which the last transaction took place, and the date thereof:

"3. Each bank which neglects to transmit or deliver to the Minister of Finance and Receiver General the statement above referred to, within the time hereinbefore limited, shall incur a penalty of fifty dollars for each and every day during which such neglect continues:

"4. All moneys, together with any interest due thereon, remaining unclaimed for three years after the first return thereof made in manner above provided, shall be paid by the bank to the Minister of Finance and Receiver General, on behalf of Her Majesty, for the public uses of Canada; but in case a claim to any moneys so paid as aforesaid should be thereafter established to the satisfaction of the Treasury Board, the Governor in Council shall, on the report of the Treasury Board, direct payment thereof to be made to the parties entitled thereto, together with interest on the principal sum thereof at the rate of three per centum per annum for a period not exceeding six years from the date of payment thereof to the said Minister of Finance and Receiver General as aforesaid: Provided however, that no such interest shall be paid or payable on such principal sum, unless interest thereon was payable by the bank paying the same to the said Minister of Finance and Receiver General."

It is curious that these unclaimed deposits should have been so long overlooked. Attention was recently directed to the same subject in England. There the Supreme Court, it is stated, has charge of £74,000,000 belonging to 40,000 suitors; but the amount in banks at the credit of persons who have disappeared is not known. The banks apparently have no special claim to appropriate these sums. Efforts should be made to find the owners; and if there are no heirs or claimants the state should receive the benefit.