

being committed," he said, "it imports much that the validity of our statute and its sufficiency to reach the guilty parties should be early tested. If the spread of gambling has infected our business men, the consequences cannot but be disastrous; the course of business, instead of proceeding quietly and healthily, will become broken by fits of fever and panic; unlawful gains will be preferred to the slow profits of legitimate trade; our farmers, partaking of the prevalent spirit, will hold back their crops in expectation of corner prices, borrowing money upon mortgage to carry on their operations, instead of realizing by the sales of farm products. It is said that these phenomena are already apparent, and they are charged to be the effects of violations of the law. I will only add that it is not your duty to seek inquisitorially for evidence that crimes have been committed. Should evidence come to you through the regular channels, your duty will be to consider it and act fearlessly and promptly to vindicate the laws. I think I may promise on the part of the judiciary of the county that if you present men for crime it will not go unpunished, so far as the enforcement of the law depends upon them."

TRIAL BY JURY.

In the disturbed condition of society in Ireland during the past year, the judges have had frequent occasion to deplore the unwillingness of jurors to respect their oath and convict the guilty. A special committee of the House of Lords, appointed to inquire into the operation of the Irish jury laws, report that juries in most districts have, during the recent agitation, been guilty of very gross misconduct, limited, however, to crimes arising out of disputes as to the occupation of land; crimes arising out of political or religious antagonism, and aggravated assaults. The report states that though the criminal may have been detected in the act of committing the crime, though he may have been arrested bearing upon his person traces which could leave no doubt as to his guilt, though his identity may have been clearly established, the jury have again and again either disagreed or found a verdict of acquittal. On other occasions the prosecution has been compelled to accept a plea of guilty upon an understanding that the defendants were to be liberated without

punishment on their own recognizances. The committee very naturally remark that it is scarcely possible to conceive a more complete frustration of justice, or one more calculated to demoralize society.

The report suggests several remedies, and among them the extreme one of suspending for a time the right to a jury trial where the disturbing influences exist.

NOTES OF CASES.

SUPERIOR COURT.

MONTREAL, Sept. 27, 1881.

Before MACKAY, J.

TRUST & LOAN CO. OF CANADA v. THE RIGHT REV. THE LORD BISHOP OF MONTREAL, MUNRO and HUTTON, T. S., and THE SYNOD OF THE DIOCESE OF MONTREAL, intervening.

Powers of Bishop—Authority to bind successors in office.

There were three contestations arising out of the same matter. The Trust and Loan Company in 1875 recovered judgment against Bishop Oxenden in his corporate capacity for the amount of their loan to Trinity Church, the Bishop being vested with the property on which the Church was erected. An attachment was then taken out by the plaintiff in the hands of a number of persons to whom the Bishop had from time to time loaned money in his corporate capacity. In these proceedings the Synod of the Diocese of Montreal intervened, and claimed that all these moneys thus loaned formed part of the Episcopal Endowment Fund, which was vested in the Synod as their property, subject to the trust contained in an indenture executed in 1856, between the Society for the Propagation of the Gospel in Foreign Parts and the Church Society of the Diocese of Quebec and the Church Society of the Diocese of Montreal. Under this indenture the Church Society of the Diocese of Montreal was vested with a certain proportion of funds then held by the Church Society of the Diocese of Quebec, and which was to be paid over to the former after the death of Bishop Mountain. At the time of the execution of that indenture the Church Society of the Diocese of Montreal held from the Society for the Propagation of the Gospel in Foreign Parts the sum of over \$57,000 in trust for and as an en-