

The Legal News.

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MONEY FOUND.

The right of the finder of lost money to maintain an action for the recovery of it from a person not the owner, has been maintained by the Supreme Court of Pennsylvania in the case *Hamaker v. Blanchard*. The plaintiff was a female servant employed in a hotel, and while engaged in her duties she found a roll of bank notes in the public parlor. She reported the circumstance to the proprietor, who said he thought the money belonged to a guest who had transacted some business in the parlor. The servant entrusted the money to her employer that it might be restored to the supposed owner. But it appears that the guest referred to had not lost the money; the owner was not discovered, and it was admitted at the trial that he was unknown. Under these circumstances it was held that the servant could recover the money from her master. The decision appears to be in conformity to the general rule established in England by several decisions, that the finder is entitled to the article or money found against all the world but the owner, and the place where it is found does not create an exception.

PRESENTS TO JUDGES.

It is well known that the Ontario Legislature has since 1868-69 (32 Vic., c. 1, s. 1) supplemented the Dominion salaries of judges by an annual grant of \$1,000 to each Superior Court judge in Ontario. The first grant was based upon the consideration that the salaries attached to the office were insufficient. The \$1,000 first granted were paid, but the Act was, we believe, disallowed by the Dominion as irregular and unconstitutional, for the judges were not in any way under the control of the Ontario Legislature, and the salaries were not paid by it. The next and subsequent annual grants by this Legislature were professedly based upon the fact that the judges performed certain work in the Province as Commissioners of Devise, 33 Vic., c. 5, (Ontario). There can be no doubt that under whatever name the grant

of \$1,000 be disguised, it is in the nature of a present to the judge by an outside party, and since the days of Bacon, Lord Chancellor of England, who was ruined by the reception of gifts, we are not aware that there have been two opinions as to the danger of such gifts, and we believe they have been unheard of in the history of the British judiciary since the reign of James I., under whom Bacon was Chancellor. Those of our readers who read Macaulay's charming Essays when they came out some forty years ago, will remember his discussion in the article on Francis Bacon, of the question whether the gifts received by the Chancellor from suitors were in the nature of presents or bribes. As early as the Mosaic code the reception of gifts by a judge has been condemned. "Judges and officers shalt thou make thee in all thy gates, which the Lord thy God giveth thee, throughout thy tribes; and they shall judge the people with just judgment. Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift, &c." This injunction is in Deuteronomy, and is repeatedly found in the Scriptures. The celebrated Alexander Hamilton, in the *Federalist*, number LXXIX, says: "Next to permanency in office, nothing can contribute more to the independence of the Judges than a fixed provision for their support.

* * * In the general course of human nature, a power over a man's subsistence amounts to a power over his will. And we can never hope to see realized in practice, the complete separation of the judicial from the legislative power, in any system which leaves the former dependent for pecuniary resource on the occasional grants of the latter." What is the difference between the case under consideration, and the judges receiving an annual grant of one thousand dollars from the city of Toronto, liable to diminution or stoppage at the whim or caprice of the City Council? Would such a grant be allowed in the governments of India? The grant is a present from a suitor. Take an instance:—The case of John Severn, appellant, and the Queen, respondent, was decided by the Ontario Court of Queen's Bench in favor of the Province of Ontario. It was taken to the Supreme Court by John Severn, and decided there in favor of the individual suitor against the Province of Ontario. (2 Supreme Court R.