

The Legal News.

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The difficulty with reference to Mr. Justice Stephen, noticed last week, has been terminated by the resignation of the learned judge. Mr. Justice Stephen's career has been a distinguished one, and he will have much sympathy in the affliction which has compelled his retirement from an office of which he was so bright an ornament. Touching the judicial tenure of office the *London Law Journal* has the following note:—"Prior to the Act of Settlement, the commissions of the judges of the land were *durante bene placito* (see Stephen's 'Commentaries,' 11th edit. vol. ii. p. 481), but by that Act (12 & 13 Wm. III. c. 2) they were directed to be made out *quamdiu se bene gesserint*, and it was also directed that on the address of both Houses of Parliament it might be lawful to remove them. Afterwards by 1 Geo. III. ch. 23, after reciting that 'His Majesty had been graciously pleased to declare from the throne that he looked upon the independence and integrity of judges as essential to the impartial administration of justice, &c., and had recommended to the consideration of Parliament to make further provision, &c., and that,' in return for his paternal goodness, and in the justest sense of His Majesty's 'tender concern for the religious laws and liberties' of his people, Parliament 'had taken this important work into their consideration, and had resolved to enable His Majesty to effectuate the wise, just, and generous purposes of His Royal Heart,' it was enacted that the commissions should be during good behaviour, subject to power of the Crown to remove on Parliamentary addresses as before, notwithstanding the demise of His Majesty, his heirs, and successors. The next alteration was that effected by the Judicature Act, 1873, which by section 9 enacted that 'all the judges of the High Court and Court of Appeal should hold their offices *for life*,' subject to removal as before. This was repealed by the Judicature

Act, 1875, which substitutes for it the enactment now in force of section 5, that 'all the judges' of the Supreme Court, 'with the exception of the Lord Chancellor, shall hold their offices as such judges respectively *during good behaviour*, subject to a power of removal by Her Majesty on an address presented to Her Majesty by both Houses of Parliament."

The communication referring to *La Bibliothèque du Code Civil*, which appears on p. 89, ante, was based on a misapprehension. The work has been brought to a close at Art. 2277, the fourth book of the Code, treating of commercial law, not being undertaken. It was supposed that the work would have been completed in the 20th volume, but eleven articles having remained, it was necessary to issue Vol. 21, which, being of less extent than the preceding volumes, will be sold at a reduced rate. We regret to say that the work has been wholly unremunerative to the learned annotator, and that the assistance obtained from the government has been merely an aid to the publisher to issue the last volumes of the series, without any profit to the author.

COURT OF QUEEN'S BENCH—MONTREAL.*

Principal and Agent—Diversion of money intrusted to agent for a specific transaction—Prescription—Transfer of debt—Signification.

Held:—1. An agent who is entrusted by his principal with a sum of money, to be invested or employed in a particular transaction, is bound to comply with the instructions received, and if he employs the sum otherwise, he is liable to repay the same to his principal.

2. An action by the principal for the reimbursement of the money, is not a claim for damages resulting from an offence or quasi offence, and is not prescribed by two years.

3. Where a sale of a debt is made in duplicate under private signature, and one of the duplicates is delivered to the debtor, the transfer is sufficiently signified, and the

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