

so invested that, in case of an emergency, it might be immediately used in aid of the company's business. Again, it is possible that accumulations of profits might make the reserve larger than the capital; and if this reserve were used in carrying on a different business from that for which the company were formed, would not such a use of the funds be an abuse of the charter? There is one matter in the judgment of the Court of Appeal in *Earle v. Burland*, which has only been slightly touched upon, namely, that there are other legitimate ways of disposing of reserve funds than by distributing it in dividends. Might not a manufacturing company, for example, instead of such distribution, increase its business by the use of the accumulation, etc., etc. A number of other questions might arise, *quænonc prescribere longum est*. An underlying difficulty is, that if the directors are also the majority shareholders, their discretion or recklessness cannot be effectively controlled at a shareholders' meeting.

We have heard from a subscriber in reference to a recent article in these pages on the Supreme Court. He expresses "painful surprise to learn that a Court which was instituted with such high hopes of bringing the law in the scattered Provinces into something like harmony should be a disappointment." He continues: "You say that the Provincial Courts of Appeal enjoy greater confidence than the Supreme Court. Do you say that the judgments of the Provincial Courts that have been recently reversed by the Supreme Court are better law than the latter? I am not inclined to agree with you if that is your opinion;" and he cites some cases where the Ontario Court of Appeal has been reversed by the Supreme Court. We have not said and do not mean that the Supreme Court has not occasionally laid down the law more correctly than the Courts referred to, but we repeat what we have already said, that, speaking generally, the appellate courts in the various Provinces stand higher in the estimation of their Bars than does the Supreme Court of Canada. For example, what professional man can be found in Ontario who would prefer the opinion of the men composing the Supreme Court Bench to those now sitting in the Court of Appeal at Osgoode Hall. A final court of appeal occasionally feels called upon (and it is well it should be so) to mould the law in view of changed conditions in national life, or in trade