

legislation, and, that State legislation should be strictly confined to such institutions as those which are restricted to the State, with powers of taxation, as Mr. Dill suggests, over only such property as is actually in the State, and then upon the same basis as an individual. His words are explicit, and the position he takes is logical in saying, "A United States corporation should be a citizen of the United States and a citizen of each State to the extent that it has all rights of citizens as to attacks in the Courts." To this declaration Mr. Dill adds:—"A national corporation should pay local taxes upon all its property, but its stock in the hands of stock holders should be exempt from taxation of every nature." His words are weighty regarding the effect of placing material enterprises under national laws.

They would secure to themselves uniformity of legislation throughout the length and breadth of the United States. Texas and other States may drive insurance companies out of their territories, but they cannot drive national banks out, because the national bank derives its existence from a power higher than that of State-created organization. No corporation engaged in interstate commerce, desiring to do business throughout the length and breadth of the country, could afford to be other than a national organization."

We have to thank our correspondent for the courtesy of his despatch. The subject is one of great interest to us in Canada where large amounts of securities are held, the value of which is affected by the confusion and discord now existing in the States owing to such varied and complicated local laws affecting national enterprises. Our neighbours will have to adopt the American constitution to modern American conditions.

PROMINENT TOPICS.

The capture of General Lord Methuen by a small force commanded by General Delarey, is one of the most unfortunate incidents of the Boer war. General Methuen led the troops sent in November, 1899, to relieve Kimberley. After repeatedly beating the Boers, at Belmont, Gras Pan, Modder River, he met a reverse at Magersfontein, being overpowered by a heavier force. Since then, he has been engaged in the dangerous, difficult and somewhat inglorious work of "driving" the Boers from one position to another without their making any stand, such as brave men would have done. The Boer tactics for a length of time have been those of a hunter after heavy game. They have dodged the British, they have sought to entrap them, they have played all manner of tricks to enable them to kill British soldiers without fighting them. The recent disaster was caused by the Boers being enabled to acquire a dangerous position by being dressed in British regimentals. Napoleon and Wellington would have shot, at sight, any of the enemy caught so disguised. Such a trick is contrary to the laws of war amongst civilized nations, but the

Boers are not civilized, and their semi-savage tactics have alienated the sympathy of every civilized power. Not a government in the world has given them the least sign of encouragement. Their adopting the trick of disguising themselves in British uniforms will draw on the Boers the contempt of every honourable soldier of every army in the world.

By a decision rendered in the Superior Court, on 10th inst., it was declared to be the law that all pleas entered in a Court of law are privileged, however libellous they may be. Judge Archibald, in discussing a claim for damages which was based upon a libellous statement made by the defendant in his plea in another suit, said:—

"The law is well stated in a case of *Munster vs. Lamb* in 11 Q.B.D., 588-606. At the bottom of p. 597 a dictum of Kelly, C. B., is cited as follows:—"The authorities are clear, uniform and conclusive, that no action of libel or slander lies, whether against judges, counsel, witnesses, or parties for words written or spoken in the ordinary course of any proceeding before any court or tribunal recognized by law." I am safe in saying that no English authority can be found which would subject parties to an action for libel for words relevant to the issue pleaded in good faith in any suit at law.

"The ground of the privilege is public policy. Not that a malicious slanderer ought to escape because he has got an opportunity of entrenching himself behind a legal proceeding, but that the public generally, who wish only to obtain their rights, shall not be obliged to act in constant fear of ruinous damages in case it may appear that some fact upon which they relied cannot be substantiated."

This judgment has reason, no doubt; at the same time very grievous wrong and injury has been done by libellous statements being made in Court that could not be as publicly refuted.

The City Council has decided to erect a Civic Hospital, not two, as has been advocated. One, it is stated, can be erected for \$50,000, whereas two would cost \$100,000. If an adequate Civic Hospital is ever built for \$50,000 it will be a marvel of structural economy. The building and equipments of such an institution worthy of this city, will require an outlay of at least \$100,000. It is proposed to surround the Hospital grounds by a stone wall of 8 or 10 feet high, the total length of which would be about 1,200 to 1,500 feet. This wall alone would make a considerable drain upon \$50,000.

Before jumping to a conclusion to vote a specific sum of money, some practical step should have been taken to ascertain the probable cost of what is required. We hope these matters will be put in business-like shape without delay.

The site favoured by the majority in the City Council for this centre of possible contagion and certain offensiveness, is one of the playgrounds of the children of Montreal, who are to be driven away from their favourite resort in order to occupy it with a building devoted to small-pox, scarlet fever and diphtheria patients. The aldermen wish the vehicles containing these unfortunates to traverse a road which passes through a park that is one of the attractions of