

#### A Premium Note Case.

A CASE decided at Toronto last week by Justice Street, in the Court of Queen's Bench, affords another illustration of the promptness with which overdue notes can be paid that were given on account of life assurance premiums when prompt payment is necessary to ensure receipt of the amount of the policy. The late Michael A. McCormack held a policy issued by the Temperance & General Assurance Co. On his death the widow sued to recover the amount. The claim was refused on the plea that the last premium was unpaid. Deceased had arranged with the local agent to pay a note given for the premium out of commissions coming to him from one Arnold on a sale of buggies. The note was not paid at maturity, although these commissions were due to the deceased. On the day upon which Mr. McCormack died, Arnold paid him a visit, and learning how doubtful it was the sick man would recover, tendered the amount of the over-due note to the local agent of the insuring company, the policyholder at that time being dead. Under these circumstances the judge held that the delivery of the renewal receipt by the local agent to the deceased, without any actual payment of the premium by the latter, but upon a private accounting and set off between them, was not sufficient to bind the company. The case of *Fraser vs. Gore Mutual Insurance Co.*, 2 O. R. 416, was cited as a precedent. The note was, therefore, held to have been in arrear at the death of the policyholder. and, by one of the conditions contained in the body of the policy, the failure to pay it terminated the insurance, and no evidence being offered of a waiver of this condition the claim of the widow was not allowed, and the action was dismissed with costs. Although this verdict is sound, we believe the widow could recover a claim against the man Arnold for the amount of the policy, as it was proven that the policy was forfeited wholly by his neglect to pay the premium note, funds for which were in his hands before the death of the policyholder, and which he had undertaken to pay over to the company's agent.

#### The Law's Delay.

ALTHOUGH a great reform has been effected in legal procedure, by which a person charged with a criminal offence is no longer kept in jail for many months before his trial, as was formerly the custom, there is yet room for greater expedition being shown in bringing prisoners before a jury. Anyone who has watched a criminal trial, or been unfortunate enough to be a witness thereat, must have noticed, or felt, that swearing to a particular incident having occurred on a certain day is a very risky affair. Yet upon the certainty of such testimony human life often is made to depend, or, what is of the greatest moment to the public, the conviction of a criminal, or his release. To the vast majority of persons, each working day answers to every other as mechanically as the cogs of a wheel to their mates. When life is so monotonous that each day is unmarked by special features, or by any incident that impresses the memory, it is exceedingly difficult to recall whether some unimportant event took place, say, on a particular Monday or Tuesday. When

several months have elapsed between the date of some ordinary incident and the day on which a witness is required to swear to the exact date on which it occurred, we doubt much whether such testimony has any weight. Even after only a week, it is a common experience for a person to mistake, or forget, the exact day on which a certain act was done by himself or another. No sensible man would take an oath that, on a certain Monday, four months ago, he saw a certain person on the street, whom he is in the habit of seeing almost every day. A cautious man would refrain from being positive about any unimportant event having happened on a certain date, unless he had some documentary evidence to justify his assertion. How needful then it is to bring prisoners quickly to trial, so that the memory of witnesses may not be improperly strained. In a recent murder case trial, the life of the accused hung upon testimony of this class, which is exceedingly unreliable. Greater promptitude in bringing accused persons to trial would obviate the chances of errors being made from the memory of witnesses failing or being confused. Swift retribution is a great terror to criminals, and a long detention before trial is a very serious wrong to innocent prisoners.

#### American Silver in Canada.

THE large amount of American silver coins in circulation in Canada is again exciting attention, with some discussion as to the measures necessary for its restricted use. Whether it is desirable to take any action in the matter is very doubtful. Nothing short of its being prohibited importation would have any permanent effect in driving these coins home, on a large scale. Any Act of Parliament to that effect would be strongly resented, not only by the United States authorities, but would be injurious to our own people, more especially in all border localities. It would be met by retaliatory measures by the Government and people of the United States against Canadian currency being recognized in that country. Already there is no slight annoyance, and often inconvenience and loss, caused to Canadians while in the States, because of the prejudice there against any but native money. It is certainly not desirable to intensify this by provoking retaliation. Indeed, it is to our interest to do all in our power to make the currency of both countries, as far as practicable, international, so that the notes and coins of both countries would pass without question at par all over the continent. We are fully alive to the difficulty of bringing this about, but the goal is a desirable one to be reached, and not the exclusion by either country of the other's currency. It must be remembered that American silver comes here to pay for goods bought, or services rendered, in Canada. The vast bulk of it arrives in the purses of American travellers who spend their money in our hotels and stores. There is not a hotel or store in the Dominion in which American silver is not very welcome, so that, although it may be to some degree injurious to our own coinage interests, its distribution by Americans is ample compensation for any loss in this respect. A storekeeper in a border town recently said, in reply to