

## The Legal News.

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In the case of *The Queen v. The Bank of Nova Scotia*, an appeal from Prince Edward Island, the Supreme Court of Canada has given a decision in the same sense as that rendered by the Court of Queen's Bench at Montreal in *The Queen & Exchange Bank of Canada*, M.L.R., 1 Q.B. 302, the privilege of the Crown as simple contract creditor being maintained. The Bank of Prince Edward Island became insolvent, and a winding-up order was made on the 19th of June, 1882. At the time of its insolvency the Bank was indebted to Her Majesty in the sum of \$93,494.20, being part of the public moneys of Canada, which had been deposited by several departments of the Government to the credit of the Receiver-General. It appears that the first claim filed by the Minister of Finance at the request of the respondents, liquidators of the Bank of Prince Edward Island, did not specially notify the liquidators that Her Majesty would insist upon the privilege of being paid in full. Two dividends of 15 per cent. each were afterwards paid, and on the 28th February, 1884, there was a balance due of \$65,426.95. On that day the respondents were notified that Her Majesty intended to insist upon her prerogative right to be paid in full. At this time the liquidators had in their hands a sum sufficient to pay the Crown claim in full. The following objection to Her Majesty's claim was allowed by the Supreme Court of Prince Edward Island—"That Her Majesty the Queen, represented by the Minister of Finance and the Receiver-General, has no prerogative or other right to receive from the liquidators of the Bank of Prince Edward Island the whole amount due to Her Majesty, as claimed by the proof thereof, and has only a right to receive dividends as an ordinary creditor of the above banking company." On appeal to the Supreme Court of Canada, it was held, reversing the judgment of the Court below, that the right of the Crown, claiming as a simple contract creditor, to

priority over other creditors of equal degree cannot be disputed; that this prerogative privilege belongs to the Crown as representing the Dominion of Canada when claiming as a creditor of a provincial corporation in a provincial court; that the crown can enforce this prerogative right in proceedings in insolvency under 47 Vict., ch. 23; and, lastly, that the Crown, by its acceptance of two dividends, had not waived its right to be preferred to other simple contract creditors. It will be remembered that the decision in the Exchange Bank case was based upon the civil law of the Province of Quebec, C.C.P. 611.

The cases under the English Vaccination Acts do not appear in the law reports, but it is well known from police statistics that numerous prosecutions have had to be resorted to before compliance with the law was secured. The victory of science over ignorance and prejudice has been gained inch by inch; in fact, it is not yet complete. The opposition to vaccination is of two sorts: first, there is the dread of the unknown, entertained by the ignorant, like a child's terror at being left in the dark; secondly, there is the more obstinate opponent of the order of mind now aptly expressed by the term "crank;" such an individual, for example, as will go round chuckling over one supposed case of trouble arising from vaccination, while at the same time he shuts his eyes to the certain fact that thousands have been swept away by failing to be vaccinated. It is not long since a case occurred in England, *Reg. v. Morby* (5 Leg. News, p. 241), in which a parent of this class was prosecuted for manslaughter, because he had refused to call a doctor to his son who was ill of smallpox and died without any medical attendance. Even in times when no epidemic is prevalent it is often a disagreeable task to enforce the law, because it involves sending the head of a family, who is otherwise a good citizen, to prison, and leaving his children without the means of support. The remedy now adopted in Montreal, of requiring all employees and their families to be vaccinated, is one which must prevail in every city where the manufacturing interest predominates. Employers hold the key to the position, for there is no