two fresh books in the third examination of articled clerks, from which we argue that there will be a corresponding strictness and thoroughness in the examination as to the statute law and pleading and practice of the Courts. Of the desirability of this, there can be no question.

CONFLICTING DECISIONS IN LOWER CANADA.

We may be excused for expressing a little surprise at a decision in *Ex parte Smith* which we see reported in a recent number of the *L. C. Jurist*, where Judge Short held that a voluntary assignment made by an insolvent under 29 Vic. cap. 17, sec. 2, to an official assignee is valid, although the assignee is not resident within the district within which the insolvent had his place of business.

It is not that we object to a judge, by whose decisions we in Ontario can be affected only so far as we feel interested in the beneficial administration of the law in every part of the Dominion, deciding a question under a recent act of Parliament according to his own view of its proper construction, even though such interpretation may be contrary to the decision of judges here, whose opinions we may safely accept as the true rule in such a case,—but it is that it appears to us to be subversive of that uniformity so essential to the due administration of justice, and a source of harm and inconvenience to the public and annoyance to the profession, that a judge not sitting in appeal, and not so far as we are aware coming within those cases when he would be entitled to express his own views in opposition to decide cases, should give a judgment directly at variance with a decision upon exactly the same point, given by a court sitting in appeal (at least we are led by the report of the case so to understand it, but if wrong in this beg to be corrected), by which, at least according to our rules, he should be bound.

The learned judge did not even refer to the two cases cited by counsel in direct opposition to the decision he arrived at. One of these (*Douglas* v. *Wright*, 11 L. C. Jurist, 310) was a judgment of the Superior Court (*In Review*) in which three judges sat, one of whom certainly dissented from the majority, if that would make any difference. The other case (*Whyte* v. *Short*, *per* Loranger, J., Circuit Court of Richelieu) was also in point, and entitled to some weight, agreeing as it did with the case in Review.

The cases on the point in our own Courts (*Hingston* v. *Campbell*, 2 U. C. L. J., N. S., 299,— copied by the way into one of the Lower Canada legal publications, — and *White* v. *Cuthbertson*, 17 U. C. C. P. 377) may also in a question of this kind be said to be in point, and entitled to the consideration of judges in the sister Province.

It is in cases of this kind, where a statute applies to the whole Dominion or to any two or more of the Provinces, that a general court of appeal would operate so beneficially, by deciding authoritatively the law upon doubtful questions of construction, even though the question may be in itself of little moment, except that it should be definitely settled in *some* way.

DEATH OF MR. HEYDEN.

It is with much regret that we announce the death of Lawrence Heyden Esq., Clerk of the Crown and Plea, Queen's Bench, at his residence on Bloor Street, Toronto, on Saturday last the 20th inst., in the sixty-fifth year of his age.

His health had been failing for some months past, but none expected that his death was so near at hand.

The loss of such an estimable man and efficient officer will be felt by numbers both inside and outside the profession, and it will be long before those who had the pleasure of knowing him will forget his courteous and kindly manner, his uprightness and integrity in the discharge of his duties, and the attentive way in which his duties were performed.

R. G. Dalton, Esq., Barrister, has been appointed to fill the vacancy. We are happy to be able to congratulate the Ontario government on the happy selection they have made, and their promptitude in making it.

SELECTIONS.

PRESUMPTION OF LIFE AND DEATH.

(*Re Benham*, V. C. M., 15 W. R. 741, L. J. R., 16 W. R. 180.)

We are not surprised at finding that the decision in this case has been reversed on appeal, as it apeared to us to involve a misconception of the mode in which certain rules of presumption should be applied.

The rules in question are, first, that a person once living will, in the absence of evidence to the contrary, be presumed to continue alive,