

The Canada Law Journal.

VOL. XXVII.

OCTOBER 16, 1891.

No. 16.

THE immense sums of money, belonging to suitors in Chancery in England, which remain unclaimed can scarcely be credited. A part of the surplus interest, namely £100,000, has been applied towards the erection of the Royal Courts of Justice in London, and although, owing to an increased spirit of research, large sums have been withdrawn, the balance is still enormous. The Crown received, during the year 1890, over fifty-five thousand pounds by reason of estates reverting to it. The unclaimed dividends upon Colonial stocks amounted to one hundred and fifty thousand pounds, and the unclaimed naval prize money to two hundred and fifty-seven thousand pounds.

A recent advertisement calls for the representatives of owners of shares in the West New Jersey Society, no dividends having been paid upon the shares since the year 1692, nearly two centuries. Should descendants of those original shareholders ever be discovered, or discover themselves, their windfall will be something very large. In an action a few years since, the plaintiff, the descendant of an original stockholder in the defendant company, made out his claim to £100 of stock, which with accrued dividends since the year 1760 amounted to £3600.

A PRACTICE has recently been introduced by the Provincial Legislature of submitting diverse questions to the Court for consideration. The provision for doing so is of comparatively recent date, having been introduced by 53 Vict., c. 13, which enacts that "The Lieutenant-Governor in Council may refer to the High Court or Divisional Court thereof, or to the Court of Appeal, for hearing or consideration, any matter which he thinks fit to refer, and the Court shall thereupon hear or consider the same."

As the statute in no way limits the matters to be referred, the possibilities of the Act are unlimited; but the wisdom of the provision is doubtful. Experience teaches us that it is more expedient that points should be decided as they arise in litigation, and that judgment comes with far more weight when given in real actions. It is a well-known fact that the Court of Appeal have as much as they can do in keeping up with their ordinary and regular work, and it does appear to be extraordinary that the interests of litigants are to be placed on one side while some abstract problem is occupying the time of the Court. Besides, it is hardly the province of the judges to be giving opinions, and it is extremely doubtful whether their commissions include the work which may be referred to them under this Act.

Then what effect have the answers of the Court? They are merely the opinions of the Court upon certain questions; and though doubtless entitled to great re-