

I'm going to know for sure. I went to college with a chap named MacKenzie who afterwards studied law, and for some reason which I never understood he never engaged in active practice. He is located in the city, however, seems to have a good income and simply takes a case whenever it suits him. It is his boast that he practises 'justice' and not 'law,' and that when he is once convinced of the justice of a case he can find some way of his own to win out. When father got in a tangle with the Commercial Bank MacKenzie brought him out all right, when the Attorney General and all the other lawyers here advised him that the case was hopeless."

"It might be worth trying," agreed the girl.

The next day Arthur hunted up MacKenzie and placed the matter before him, with an apology for occupying his time with what looked like a hopeless case.

and sat down at the long barrister's table. Bowman sat beside him and wondered at his nonchalant manner.

As soon as the case was called Sutton, Manzer's lawyer, started in to prove the signing, endorsing and presentment of the note in the usual way.

"We admit the signing, endorsing and presentment of the note, and that due notice thereof was given," MacKenzie announced, "and rely on the Statute of Limitations," while Arthur twisted uneasily in his chair.

"Can you prove a payment or written acknowledgment within the last six years?" asked the Judge.

"No," replied Sutton, "so we abandon our claim on the note and rely upon the count for 'money paid.'"

"To which we also rely on the Statute of Limitations," interposed MacKenzie.

Sutton smiled in his superior way, placed Manzer on the stand, proved that



Final Appeal Judge Gives Ruling on Exemption of Farmers

Mr. Justice Duff (the Final Court of Appeal) Declares it is Essential that there shall be No Diminution in Agricultural Production.

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Hon. Mr. Justice Duff gave judgment on December 6th, in the first test case brought before him, as Central Appeal Judge (the final court of appeal), for the exemption of a farmer. The appeal was made by W. H. Rowntree in respect of his son, W. J. Rowntree, from the decision of Local Tribunal, Ontario, No. 421, which refused a claim for exemption. The son was stated to be an experienced farm hand, who had been working on the farm continuously for the past seven years, and ever since leaving school. He lives and works with his father, who owns a farm of 150 acres near Weston, Ontario. With the exception of a younger brother, he is the only male help of the father on the farm. The father is a man of advanced years.

In granting the man exemption "until he ceases to be employed in agricultural labor," Mr. Justice Duff said:

"The Military Service Act does not deal with the subject of the exemption of persons engaged in the agricultural industry; and the question which it is my duty to decide is whether the applicant being and having been, as above mentioned, habitually and effectively engaged in agriculture and in labor essential to the carrying on of agricultural production ought to be exempted under the provisions of the Military Service Act.

"These two propositions are indisputable:

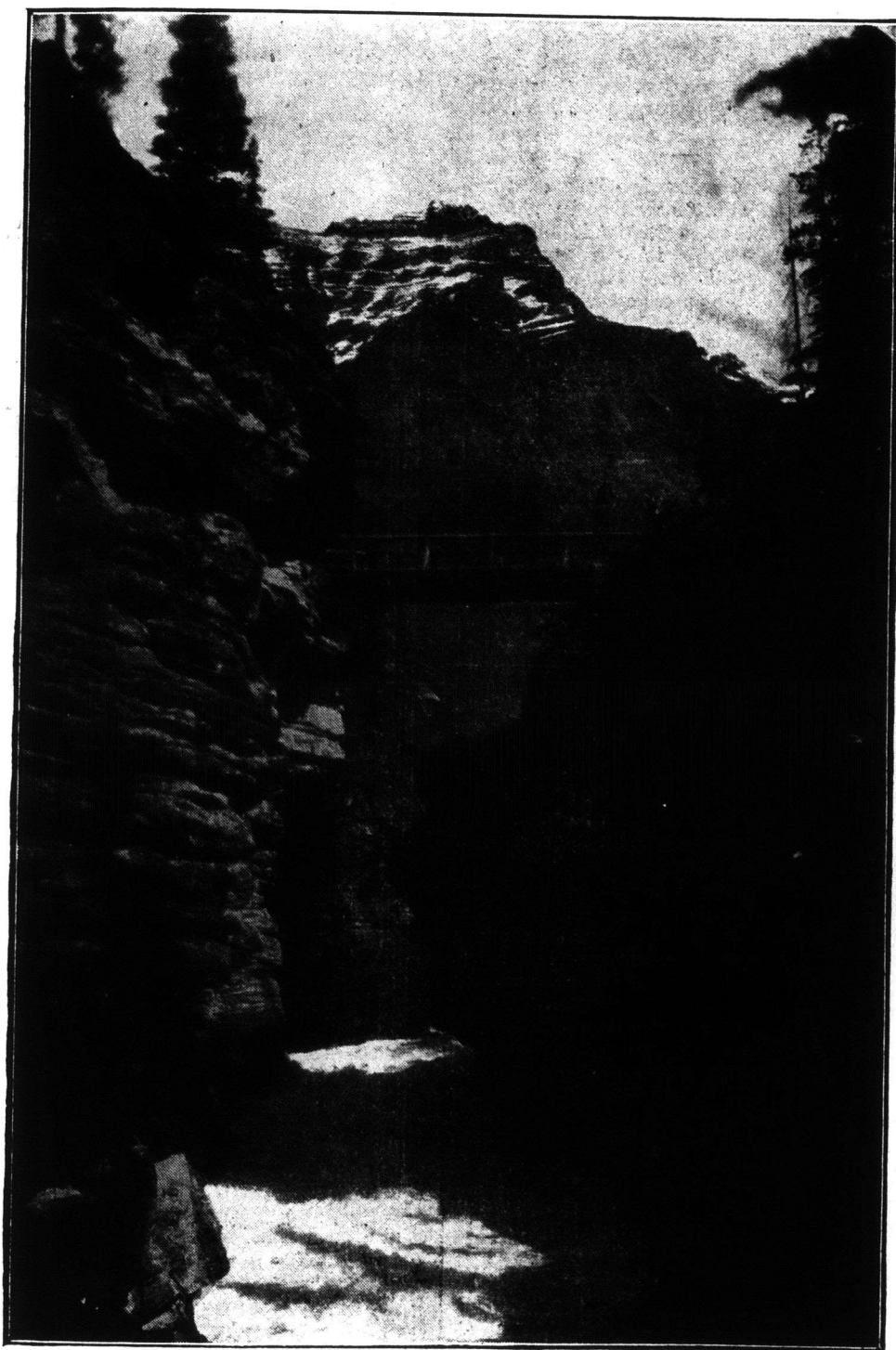
"(1) In order that the military power of the allies may be adequately sustained, it is essential that in this country, and under the present conditions, there should be no diminution in agricultural production.

"(2) The supply of competent labor available for the purpose of agricultural production is not abundant, but actually is deficient.

"The proper conclusion appears to be that the applicant, a competent person, who had been habitually and effectively engaged in labor essential to such production, ought not to be withdrawn from it.

"It is perhaps unnecessary to say that such exemptions are not granted as concessions on account of personal hardship, still less as a favor to a class. The sole ground of them is that the national interest is the better served by keeping these men at home. The supreme necessity (upon the existence of which, as its preamble shows, this policy of the Military Service Act is founded) that leads the State to take men by compulsion and put them in the fighting line requires that men shall be kept at home who are engaged in work essential to enable the State to maintain the full efficiency of the combatant forces, and whose places cannot be taken by others not within the class called out."

Ottawa, Dec. 8, 1917.



At Hardisty and Athabasca Falls canon, showing flying trestle over top.—C.N.Ry.

"I am not concerned in the hopelessness of it," replied MacKenzie. "What I want to ascertain is whether in justice you should or should not pay Manzer's claim, and if once convinced of that the difficulty can take care of itself."

Bowman briefly outlined the circumstances under which the note was given, and Manzer's action in regard to it.

"That is enough," declared MacKenzie. "Let Mrs. Davis have her lawyer put in a plea setting up the Statute of Limitation and I'll be glad to handle the case at the trial."

Lewin, the Davis family attorney, demurred quite strongly in putting in a defense on what he called an "absolutely hopeless case," but Bowman insisted that MacKenzie knew what he was about and had agreed to handle the case when it came to trial.

"That saves me making a fool of myself, then," grumbled Lewin.

A few months later the case came to trial. MacKenzie sauntered into Court

he was the endorser of the note, and that he had been sued by the Regal Bank and compelled to pay the amount of the note.

"That is all," Sutton announced pompously.

MacKenzie rose, adjusted his gown with a languid air, and asked one question.

"On what date did you pay the money to the bank?"

"On the 30th day of last November" was the reply.

"That is all."

"That closes the case for the plaintiff," said Sutton.

"The defense calls no witnesses," MacKenzie promptly announced and Bowman felt that the case was lost.

"I would, therefore, ask for judgment on the count for 'money paid,'" began Sutton, "and the point seems so plain as to hardly call for argument. The law is that where A is legally compelled to pay money which B is primarily liable to pay the law implies a request from B