

Correspondence.

TO THE EDITOR OF THE LAW JOURNAL :

Sir,—It is a legal maxim that there is no wrong without a remedy. This seems satisfactory, but a correspondent thinks it is not applicable in all cases.

One of the statutory rules of the Post Office Savings Bank Department is, that where deposits are made by a trustee in the joint names of the trustee and the person on whose account the money is deposited, repayment will not be made "without the receipt or receipts of both the said parties or the survivor or survivors or the executor or administrator of such survivor." This sounds quite simple, but a Medo-Persian application of the rule works injustice, a correspondent thinks, under the following circumstances:—A gives B, in the presence of C, a sum of money to deposit for A in a Post Office Savings Bank. B, in making the deposit is asked for, and gives his name to the Post-master, who enters the deposit as having been made by B for A. A dies first; B then departs this life. A leaves a brother, one D, on whose behalf administration is obtained, there being other small assets. The administrator having possession of the pass book, and having filed his credentials, asks to have the deposits paid over to him, but is met by a quotation of the above rule, and is told that the money can be paid out only to B or to B's representatives. C, who was present when B was asked to make the deposit, was also present at the death of A, and the evidence is clear that there was no intention to constitute B a trustee, the money having merely been given to him because he happened to be going to the Post Office, and because A was leaving on a journey with C, and wanted to be saved the trouble of going with the deposit himself. B left no assets, and no one that can be found who will take out letters of administration for this trust estate. The parties are poor, and no possible way has been found by which the rule of the Department can be complied with. The Post Office authorities will pay the money to B's legal representatives, but not to A's. The fact is, B should have died first, the Department would then have been saved worry, and everything would have gone smoothly. There was once a robbery at Osgoode Hall; cash was taken out of the Chancery vault. A witty Chief Justice, whose common law prejudices were strong against every hing pertaining to the equity side, was hugely tickled at this summary way of getting money out of court, and condoled with his Chancery brethren over the undue haste so different from the procedure of that leisurely court in those leisurely days. It would be highly improper to suggest any such course in the case I have referred to; but so long as the officials of the Department remain swathed in their red tape, I know of no other remedy.

Yours,

LEX.

[The rule of the Department is, we fancy, a necessary one. There should, however, be some elasticity in the working of it. There should also be some discretion given to the judge on applications for administration enabling him to dispense with security in special cases.—ED. L. J.]