

**KINGSTON AND PEMBROKE RAILWAY.**—At a meeting of the shareholders of this railway, held on the 28th September, the following gentlemen were elected directors:—Messrs. C. F. Gildersleeve, John Carruthers, D. D. Calvin, M.P.P.; Hon. Alex. Campbell, John Fraser, James O'Reilly, J. R. Munson, Thomas Murray and John Bredin. The new Board met the next day and elected C. F. Gildersleeve president; F. C. Cline, secretary-treasurer; and Ald. Price, solicitor; with Thomas Deacon, M.P.P., as solicitor, representing the northern end of the line.

### IMPORTANT LEGAL DECISION.

A question of considerable interest, and which gave rise to no little speculation as to its ultimate determination, was decided in the last session of the Court of Queen's Bench, at Quebec, Appeal Side, in reference to the relative obligations of a bank and its customers. A short report was published at the time, but at the request of many merchants we print the decision in full. It arose in an action brought by Messrs. Archer, Leduc & Co., a commercial firm in this city, against the National Bank, to recover the sum of \$1,263.60; by them deposited as a customer of the Bank, which this institution objected to pay, claiming a right to set against it the amount of a cheque for the sum of \$2,000, which had been received by the bank in deposit from them.

The Bank contended that Messrs. Archer, Leduc & Co. were, according to the custom of trade and of the Bank, obliged to take back this cheque, because the payment of it had been refused by the City Bank, upon whom it was drawn; that such was the custom of trade and of the bank depositors in reference to all dishonored cheques. Messrs. Archer, Leduc & Co., on the other hand, replied that had this cheque been presented to the City Bank within a reasonable time after its deposit, it would have been duly paid; that diligence in reference to its presentation not having been used, the Bank was not justified in calling upon its depositors to refund the amount of it.

The cheque in question had been deposited on the 15th of September, and had not been presented to the City Bank until the 1st October. In the interval between these two dates differences had arisen between the two Banks, in relation to the Quebec agency of the City Bank, and the consequence was the refusal of the latter to pay the cheque at the time of its presentation.

The evidence established that had the cheque been presented on the day it was received, or on the following day, or the day after, or even on the 18th of that month, it would have been paid at the agency of the City Bank here.

In the Superior Court, the Hon. Chief Justice Meredith presiding, judgment was rendered in favor of Messrs. Archer, Leduc & Co. That learned judge decided that inasmuch as the National Bank received the cheque on the 15th September, and did not cause it to be presented for payment, and protested for non-payment, until the first of October, that due diligence had not been used, and that the bank had not a right to receive payment of it from Messrs. Archer, Leduc & Co., or to withdraw from their account the credit given to them for the said cheque, and this decision was confirmed in Appeal by the majority of that Court. The Honourable Judge who delivered the opinion of the Court stated, that the National Bank having accepted the cheque signed by the son of Mr. McGie, the agent of the City Bank, should not be favorably received in pretending that it was not signed by an authorised party, seeing the numerous daily affairs that had been

carried on between them, that if the cheque were not good it should not have been accepted, but should have been returned at once, that the fact of its acceptance indicated that it had been received as valid, and the bank having carried the amount to the credit of the depositors, deprived it of all reason of complaint. As to the younger McGie not having been authorized to sign it, such a pretension was not founded in equity nor in law, because had the cheque not been accepted, Archer, Leduc & Co. would have immediately returned it to the drawer, the agent of the City Bank, and by that means would have been spared all the annoyance, delays, and trouble which the National Bank now wishes to impose upon them. That the only question to be decided was whether the National Bank used due diligence in the presentation of the cheque, and the Court thought it had failed to do so.

That the difficulties between the banks only commenced upon the 18th of the month, and at this date the National Bank had in its possession funds of the City Bank to a much larger amount than that of the cheque in question. But, says the National Bank to the depositors, take back the cheque, the City Bank and Mr. McGie the agent are both solvent, make them pay; but this conduct cannot be permitted; if the bank has not used the diligence required by law, it cannot now cast upon Messrs. Archer, Leduc & Co. the task of the recovery of the amount of the cheque.

The difficulties between the banks do not concern Messrs. Archer, Leduc & Co., who may reasonably reply to the National Bank, if you had presented the cheque in due time as prescribed by law, it would have been paid; it is your fault if it has not been, and you must bear the consequences, and not endeavour to place the responsibility of your negligence upon us.

The plaintiffs were represented by G. G. Larue, Esq., Messrs. Andrews, Caron and Andrews, counsel. The bank by Messrs. Tessier and Hamel, Messrs. Holt, Irvine and Pemberton, counsel.—*Quebec Chronicle*.

### THE GAS WELLS OF PENNSYLVANIA.

Hon. Neal Dow communicates the following account of natural gas wells:—In many parts of the Key Stone State, wells bored for the purpose yield an abundant flow of illuminating gas—identical in its character with that manufactured in our cities from bituminous coal. These wells are from two hundred to seven hundred or eight hundred feet deep, and from three inches to five or six inches in diameter. They are "bored" through the various strata of earth and stone, and are lined, like oil wells, with wrought iron pipes made for the purpose. In many places these wells are of great value, affording sufficient fuel for driving the machinery of large manufacturing establishments. In some cases the supply of gas is sufficient to repay the entire cost of the well and fixtures in a single year or less.

At Erie, I saw several of these gas wells employed in this way. Directly on the shore of the lake are located the works for the supply of the city with water. The water is forced into a stand pipe, two hundred and thirty feet high, by which it is distributed with sufficient pressure over the entire city. Two enormous engines do this work, being driven by steam generated by gas flowing from a well sunk upon the premises. We were permitted to look into the furnaces, which were all aglow with a brilliant flame issuing from a series of small pipes connected with the gas well. There was no dust nor smoke, and no fireman was required. The only attention necessary was to turn on or off a little gas, according to the indication of the steam-gauge. The works were about to be

enlarged, and another well was in progress, to furnish gas for the additional boilers.

These gas wells are found also in operation for domestic purposes. I saw it employed in a gentleman's house. In the library was an open fireplace, and wood fire, or what seemed to be such—terra cotta upon the andirons was an admirable imitation of hickory wood. A low fire was burning, for the morning was not cold; the lady of the house turned a small tap near the fireplace, and the flame instantly increased in volume, and continued to increase as the gas was turned on, until the fire-place was full of flame, issuing from the terra cotta, and we had what seemed to be a roaring hickory wood fire.

The gas was then slowly turned off, and the fire gradually diminished, and finally expired. The lady then with a match lighted a piece of paper and threw it upon the wood, turning on the gas at the same moment, and we had instantly the low fire which we found at the beginning. In every room in the house, except the kitchen, was a similar apparatus, and fires could at any moment be lighted with as much facility as the chandeliers in the same apartments, supplied with gas from the same well.

In the kitchen was a large and complete range, sufficient for a family of thirty persons. When we entered, a low fire was burning, and sundry vessels were simmering over the flame. The cook turned a tap, and instantly the range was filled with a fire sufficient for all culinary operations up to the full capacity of the apparatus. Nothing is employed in that house for heating and illumination except this gas.

The well is in the back yard, sufficiently removed from the mansion, and is covered by a small house. The bore is five hundred and twenty feet deep, lined with iron pipe, and furnished with a safety-valve, like that of a steam-boiler, and the gas is brought into the house and conducted through it, in the same mode employed in the case of ordinary street gas or water. The entire cost of this well and the fixtures, ready for use, was twenty-five hundred dollars, and the supply of gas was sufficient, I thought, for two or three other first class houses. Nothing can possibly be more perfect than this arrangement; the fuel supply being as convenient and abundant as that of water and illuminating gas from the public works.—*Manufacturers' Review*.

—A statement of assets, while it should, undoubtedly, include all items which have any power to diminish liability—should be as nearly as possible, a list of marketable securities or funds. Nothing should be called an asset, as the term ought to be understood, except cash or that which is readily convertible into cash. It is with money that a company's obligations are to be discharged; and, therefore, there can be no acceptable valuation put upon anything which is not thus convertible.

**DUTIES ON LEATHER.**—The following are the rates of import duty levied by the tariffs of the respective colonial possessions of the United Kingdom upon leather: India, 7½ per cent; Straits Settlements, free; Ceylon, 5 per cent; Mauritius, 6 per cent; Labuan, free; Hong Kong, free. Australia—New South Wales, 5 per cent; Victoria, 10 per cent; South Australia, 5 per cent; Western Australia, 7 per cent; Tasmania, cubic foot, 4s to 5s; New Zealand, cubic foot, 1s. to 5s.; Queensland, 7½ per cent; Falkland Islands, free; Natal, 6 per cent; Cape of Good Hope, 10 per cent; St. Helena, free; Gold Coast, 3 per cent; Sierra Leone, 4 per cent; Gambia, 2 per cent. North America—Dominion of Canada, including Ontario and Quebec, and New Brunswick and Nova Scotia, 15 per cent.; Prince Edward Island, sole, 3d. per lb, other 11 per cent. to 12½ per cent.; New-