

are dishonest. The moral duty of counsel is clearly to refrain from advising, or being party to, the setting up of defences which savour of dishonesty; but does the defence of a want of a statutory notice of an accident come within the category of such defences? The learned chief justice has intimated that it does. With great respect, we venture to think for the reasons already given, that it does not.

An imputation of dishonesty is of all imputations one of the most offensive which one gentleman can apply to another, and it is one that ought not lightly to be made, and yet imputations of that kind are sometimes made indirectly by people who would shrink from making them directly. The president and officers of the railway company in question are honourable and reputable men, the counsel employed by the company are honourable and reputable men against whom no one in his senses, and least of all, the learned chief justice, would care to bring a charge of dishonesty, and yet it is by these men that the corporation acts, and if any dishonesty is perpetrated it must be by them.

As we have already pointed out, the liability imposed on companies is a legal liability made subject by the legislature which creates the obligation to certain conditions, among others, that notice shall be given. Whether this is a reasonable condition or not, it is thought to be so by the legislature, and, we think, with very good reason. If a third person is to be called on to pay for the act of some other, it is a very reasonable and proper thing that such third person should get notice speedily of the claim, and particularly as where the third person is a corporation, whose business necessarily involves the employment of different persons to deal with different branches of work. It is manifestly fair and right that the corporation should be in a position, by its servants to whom this duty belongs, to make proper inquiry into all the circumstances while the matter is still fresh, and that they may be enabled to preserve and secure all necessary evidence bearing on the matter. This just and reasonable provision the legislature has made; and yet we fear that the observation of the learned chief justice may lead the public