

EDITORIAL NOTES.

to a mode of banking which does not prevail in Australia and New Zealand, where the system in operation is a modification or adaptation of the Scotch, and differs in many striking features from that which is practised in London and generally throughout England. Several instances are given of the variance in practice. Thus, it would appear that in England a banker does not pay a 'stale' cheque—a cheque which is presented a long time after being drawn—without enquiries or instructions; whereas in Australia payment is never refused unless the term prescribed by the Statute of Limitations has run (p. 83). Again, it seems to be the habit in Australia to hand cheques to the ledger-keeper, who marks them for payment before they are paid by the teller; and the important point has been mooted, whether this marking does not operate as an acceptance by the bank and bind it to pay the cheque (p. 68). Moreover, when advances are made, the English practice is to open a 'loan account'; in Australia, the system of 'overdrafts' is most commonly adopted (p. 109). The customer has the advantage in the case of an overdraft of having to pay interest on the sum actually withdrawn only. 'Cash credits' are very popular in the colonies, but are unknown almost in England (p. 116). It is interesting to learn that both in Victoria and in New South Wales a partner in a squatting firm can bind the firm by drawing bills and borrowing money (p. 36). An important point, on which English cases give no light, has been decided by the South Australian Court, which has found that there is a custom in Australia to treat interest as chargeable on overdrafts without any express agreement to pay it (p. 113). And the law relating to branch banks has assumed peculiar importance here; probably, as Mr. Hamilton says, because in England the functions of branch banks are to so great an extent discharged by private bankers carrying on business in partnership (p. 240)."

Now we in Canada can probably see the force of the latter portion of these remarks much better than the orthodox changers of money of Lombard St. As to the difficulties arising from the want of a Federal Court of Appeal, we shall expect, when the annual motion comes up to do away with our Supreme Court, to see the article quoted giving a text

to one of those who would seek to save its life.

WHILE the position of our Canadian judges is probably not altogether what it should be, they have reason to congratulate themselves that they are not exposed to the petty annoyances which some of their brethren in the United States are compelled to suffer at the hands of interfering legislators. An Act has recently been passed by the Michigan Legislature requiring the judges of the Supreme Court "to prepare and file a syllabus to each and every opinion by them delivered." This certainly seems a sufficiently impertinent and unwarranted interference with the long-established distinction between the duties of a judge and those of a reporter, but a still more glaring example of what the *Central Law Journal* calls "the indecent methods taken by legislative bodies to get the greatest possible amount of work," is that Californian statute which withholds the salary of any judge who happens to be behind his docket, no matter what the nature of the cases on it may be. On attempts such as these to lower the dignity and add unreasonably to the toils of a judge's life, we heartily endorse the trenchant comments of the journal from which we have already quoted:—

"We know that poorly reported decisions and judicial sloth are grave evils, and we sympathize with any rational attempt to remedy them. But we do not believe that any permanent good purpose can be subserved by attempts on the part of the law-makers to treat benches of reverend judges as if they were gangs of irresponsible and dishonest employees. A good article of professional service must be well paid for, the world over. If good, accurate, faithful reporting is a desideratum, let the legislature pay well, and there will be little difficulty in getting the work well done. If dockets get behind, in many instances more judges and larger salaries will be found an effectual remedy."

Hon. James McDonald, Minister of Justice succeeds Sir William Young as Chief Justice of Nova Scotia.