

[Prac.]

NOTES OF CANADIAN CASES.—FLOTSAM AND JETSAM.

interferes, in the examiner's opinion, with the due execution of his duty as examiner.

Hands, for the plaintiff.

Behlin, for the defendants, Wm. Beatty & Son.

Q.B. Div. Ct.]

[Nov. 28.]

GOWANS v. BARNETT.

*Discovery—Examination—49 Vict. c. 16, s. 12—
Solicitor—Employee—Transfer.*

The solicitor of a judgment debtor, who had absconded, transferred property of the judgment debtor to a purchaser, under power of attorney, and received the consideration money, \$4,000. Upon an application to examine the solicitor under 49 Vict. c. 16, s. 12,

Held, that this provision being remedial and for the purpose of enabling the judgment creditor the better to discover property of his debtor, it should be construed so as to advance the remedy, so far as the fair meaning of the words will permit. The word "transfer" in the expression "any person to whom the debtor has made a transfer of his property or effects" should not be limited to the transfer of the title to the property or effects, but should be regarded as equally applicable to the transfer of the possession; and therefore the solicitor was a person to whom a transfer of the debtor's property and effects to the extent of \$4,000 had been made, for the possession of that sum had been transferred to him by the debtor.

Per ARMOUR, C.J.—The solicitor was also an employee of the judgment debtor within the meaning of the section.

Walter Macdonald, for the plaintiff.

J. R. Roaf, for the defendant.

FLOTSAM AND JETSAM.

ONE often comes across a tit-bit in looking over old reports. We note the following from 8 De G., M. & G., 538, where Lord Justice Knight Bruce thus delivers himself:—"This litigation owes its origin to the manner in which a series of professional gentlemen in the North of England permitted themselves to transact, or, in more accurate phrase to entangle and perplex, some legal business entrusted to their care. These licensed pilots undertook to steer a post captain through certain not very narrow straits of the law, and with abundance of sea room ran him aground on every shoal that they could make. A settlement made in June, 1824, on the marriage of the plaintiff, Captain James Robertson Walker and his late wife, Anne Walker, gave a joint power of appointment to them over the whole, and also a power of testamentary appointment (notwithstanding coverture) to the lady over some at least of the real estates here in contest. The settlement in other parts of it was erroneous, y framed, and for the purpose of curing the mistake, or mistakes, they executed in the year 1825, under the joint power, an instrument of appointment, which, correcting after a fashion that error or those errors, committed or was affected by another error or other errors."

SUICIDE AS A CRIME.—We extract the following: "Punishment will prevent some actual suicides, but much more will it prevent attempts by those who are so weak and infirm of purpose that they cannot successfully accomplish the act. That suicides are amenable to the argument of punishment, is evident from some well-established facts. In the first place, they are in general fastidious as to their mode of death. In cold countries and in cold weather death by drowning is avoided (Morselli, 324). Women avoid public places when they wish to destroy themselves. Among military men fire-arms are chosen as an honourable means of compassing their death. In the second place, fashion has an overwhelming influence, both in causing suicide and in determining the mode of death. If the State, by a well-defined and strictly enforced law, can to some extent counteract this influence, it will have accomplished a great end. * * But there must be a large class of cases where the interposition of society by an emphatic prohibition, and the imposition of a penalty on the delinquent