

## The Legal News.

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The agitation for an increase of judicial salaries is older than the life of this journal, and every volume has contained more or less reference to it. Some who took an active interest in it have passed away from the bench and from life. Lord Dufferin during his term, urged an increase strongly. A movement in the right direction has at length been made, and judges of all the superior courts receive an increase of \$1000 each. In the Province of Quebec, the Chief Justice of the Queen's Bench will now have a salary of \$7,000, and the Chief Justice of the Superior Court and the senior puisné judge at Montreal the same sum.

The decision of the Judicial Committee of the Privy Council in *Redfield & The Corporation of Wickham*, reported in the present issue, maintains the rule already established by numerous decisions of our provincial tribunals, that a railway, or a section of a railway, may, as an integer, be taken in execution and sold, like other immovables, in ordinary course of law.

Mr. Louis Adolphe Olivier, of Ottawa, a member of the Ontario bar, has been appointed judge of the County Court of the united counties of Prescott and Russell, in the stead of Mr. Daniels, deceased. Mr. Olivier being a French Canadian, the appointment is indicative of the spread of the French population westward.

### JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

LONDON, Feb. 15, 1888.

Present:—LORD WATSON, LORD HOBHOUSE,  
LORD MACNAGHTEN, SIR BARNES PEACOCK,  
SIR RICHARD COHEN.

REDFIELD et al., Appellants, and THE CORPORATION OF WICKHAM, Respondent.

*Railway—Rights of judgment creditors—43-44  
Vict. (Q.) ch. 49.*

Held:—1. That a railway may be seized and

sold for the debts of the company which owns such railway.

2. That while the effect of the Act 43-44 Vict. (Q.) ch. 49, and the trust conveyance of 12th August, 1881, executed in pursuance thereof, was to vest the property of the South Eastern Railway company and its appurtenances in the trustees, the Act does not apply to proceedings taken in execution of a judgment obtained in a suit instituted before the Act became law, such proceedings being within the exception of sec. 11.

LORD WATSON:—

The respondent corporation became subscribers for stock in the Richelieu, Drummond and Arthabaska Counties Railway Company, which was incorporated by the Quebec Act, 32 Vict., c. 56, under an agreement by which the company undertook to construct their line of railway so that it should pass through the municipality of the township of Wickham. By a provincial Act passed in the year 1872 (36 Vict., c. 51), the undertaking of the Arthabaska Company was amalgamated with that of the South-Eastern Counties Junction Railway Company, and a new corporation formed, under the name of the South-Eastern Railway Company. The whole real and personal estate of the two companies was transferred to the new corporation, subject to the proviso that the rights and remedies of municipalities and other creditors, or of bondholders having mortgage on the real estate of either company, should remain unimpaired, but that liabilities arising from tort, as contradistinguished from the separate debts and obligations contracted by either company, were to attach only to the assets of the wrong-doing company, existing at the time when the Act came into operation.

In virtue of the powers conferred upon it by the Act of 1872, the South-Eastern company issued bonds or debentures hypothecating, (1) the Arthabaska Railway, which formed the northern section of its undertaking, to the amount of \$150,000, (2) the South-eastern Counties Junction Railway, forming the southern section, to the amount of \$750,000, and (3) the United Railway (which includes both sections), to the amount of £640,000 sterling. In the year 1880, the whole of