

to induce parties to pay up before being compelled to pay double.

With this number the accounts will be again sent out and we would ask those who allege payment in part or in full, to write, at once, to the publishers on receiving the account, and state *when, where, and to whom payment was made*. By attending to this request much trouble and loss may be saved both to the proprietors and to subscribers.

With regard to our future, we must point to the past. We know of nothing in which we can materially improve, and shall therefore endeavor to do as we have done. While constantly guarding the interests of the profession, we shall equally guard the rights of Municipal, Division Court, and other officers. And while making ourselves useful to every member of the profession, we shall never lose sight of those who, though not in the profession, have, in reference to the administration of justice, important and responsible duties to perform. Our knowledge of Municipal law, too, will enable us to be of the greatest possible service to Municipalities, and from them we hope to receive a support commensurate to our willingness to serve.

#### TRADE PROTECTION SOCIETIES.

In the business of life there are many objects which can be more satisfactorily and more effectually accomplished by an association of men than by men acting independently of each other. The business of banking, and many others, will occur to the reader as illustrations of this remark. In Canada we are familiar with joint stock companies as applied to almost every trade and calling useful or necessary to the wants and requirements of society.

So well is the principle of association understood, and so widely is it appreciated, that to enlarge upon its benefits would not only be out of place in this journal but wearisome to the patience of the reader. Let us, however, state that it is now being applied among us in a new form, viz., for the protection of trade.

The business of a trader, whether wholesale or retail, is fraught with risks. He is expected to give credit in endless sums and to an endless variety of persons; his doing so is a manifestation of confidence in every individual whom he credits. Before placing confidence in the ability of the buyer to pay upon the delivery of the commodity sold or other expiration of the credit, it is only natural for the seller to make inquiries as to the position, character, and circumstances of the proposed purchaser. This he does either by consulting those acquainted with the person and likely to vouch for him, or by searching the records of the country wherein the shortcomings of men in monetary matters are duly recorded. It may be that the trader makes use of both these means. Of the two, the former is neces-

sarily uncertain; and the latter, reliable. The one consists of bare surmises and the other of recorded facts. It is, however, the interest of every trader to avail himself of these and all other accessible means of information. And more, it is the *duty* of managers of banks and others occupying positions of trust to do so.

Then comes the question, can one individual in such matters do for others, whether few or many, what he may lawfully do for himself? Can a number of merchants associate themselves together and employ a common agent to give them information without which no prudent man can succeed in business? The maxim of law "*Qui per alium facit per seipsum facere videtur*," in this case certainly applies. Whatever a man may himself do he may do by his agent. So the maxim applies whether the agent has one or one thousand principals.

Any one is entitled to search the public records of the Province. They are called public records because every one of the public has a right to inspect them. No officer is permitted to inquire the motives or interest of the applicant. It is the duty of the officer having the custody of the records, upon request and upon payment of lawful fees where fees are allowable, to permit the records to be examined. A bank may send a clerk to the office of a county court clerk to inquire not only as to bills of sale, &c., from a particular individual, but as to any number of individuals in whom the bank may be interested. The manager who receives the information from his clerk may communicate it to whom he pleases, because the information is open to all and accessible to all—it is recorded truth made public for the public good. So it is apprehended a number of banks instead of each sending a clerk may send a common clerk or agent; and the principle is not restricted to banks but extends to mercantile houses, and in fact to all persons sufficiently concerned to make the inquiries.

This is one great step in the course of our investigation. The next is, to decide how far the "common agent" is permitted by law, instead of communicating the results of his inquiries by word of mouth, to do so by written or printed matter—how far, in fact, he is justified in publishing the information of which he is possessed? Here a conflict arises between the feelings of the individual and the good of society, or in other words an aggregation of individuals. The law not only respects the character but to some extent the feelings of an individual. There is assuredly no pleasurable feeling excited in the breast of a man who finds that the fact of his having given a confession of judgment or chattel mortgage is by publication made known to a large circle of persons, if not to all the world. Will the law so far respect his feelings as to check the publication? That is the question.