

charged it, the defendants were entitled to deduct the value of the missing bales as claimed by them. It may be noticed that both this case and the preceding one turned upon a question of fact, and in both cases the appeal was successful, which seems rather to show that the infallibility which some judges are inclined to attribute to a judicial finding of facts is rather fallacious; and, at all events, we have the high authority of the House of Lords that a finding of fact by a judge is examinable by an appellate Court, and that the reasons of that finding may be inquired into, and, if erroneous, the finding may properly be set aside.

R.S.O. c. 184, s. 495—CONSTRUCTION—BY-LAWS—POWER TO REGULATE A TRADE DOES NOT INCLUDE POWER TO PROHIBIT.

In *Virgo v. Toronto*, (1896) A.C. 88, ante vol. 31, p. 692, the Judicial Committee (Lords Watson, Macnaghten, Morris and Davey, and Sir R. Couch) have sustained the judgment of the Supreme Court of Canada (22 S.C.R. 447), holding that under the Municipal Act (R.S.O. c. 184, s. 495), the power given to municipal corporations to regulate the trade of peddling does not enable the corporation to prevent the trade from being carried on altogether within any particular streets of the municipality, no question of apprehended nuisance being involved.

CORRESPONDENCE.

DIVORCE IN BRITISH COLUMBIA.

To the Editor of the Canada Law Journal.

It was a surprise to me to see in a recent number of your valuable journal (ante, p. 139), a reference to the case of *Levey v. Levey*, and to a note which appears in the draft Revised Statutes of British Columbia, wherein a question is raised as to the validity of an Act which has been settled law here for over 22 years, viz.: the Divorce and Matrimonial Causes Act (20 & 21 Vict., c. 85, Imp.), as amended by 21 & 22 Vict., c. 108, under which the present Divorce Court has so long been in operation here unchallenged and unappealed; and especially as no application has been made to the Dominion Parliament or the Privy Council with respect to it. Under these statutes divorces have been granted, marriages annulled, judicial separations decreed, descents cast, new marriages by divorced persons have been made; numbers of children under such marriages have been born, monies paid over, and other