

Prac.]

NOTES OF CANADIAN CASES—CORRESPONDENCE.

Boyd, C. |

[January 11.]

STARK V. FISHER.

*Taxation of costs—Local officer—Appeal—Rule 427,
O. J. A.*

Appeals from taxations by local officers should, by analogy to appeals from orders, be governed by Rule 427, O. J. A., and an appeal which was not brought on within eight days from the certificate of the local officer was struck out with costs.

Holman, for the appeal.

Hughes, contra.

RE DRURY.

Ferguson, J.]

*Larceny Act, s. 81.—Sanctioning criminal proceedings
against trustee.*

Motion *ex parte* for sanction to criminal proceedings against an executor under sec. 81 of the Larceny Act, administration proceedings being pending,

Held, that inasmuch as the Court had no opportunity of forming an opinion whether at the time the moneys were diverted, as complained of, the diversion was with intent to defraud, the sanction could not be given.

Radenhurst, for the motion.

CORRESPONDENCE.

To the Editor of the LAW JOURNAL:

SIR,—In looking over some of the Law Society accounts, as published last spring, one item struck me as singular—"Knife-cleaner and carpet-sweeper, \$21." My landlady tells me that a sweeper costs about \$3. This leaves \$18 for a knife-cleaner. If the Benchers keep a boarding-house, I should like to know it, and take up my quarters where there is such clear evidence of abundant grub. I should have supposed that for an occasional lunch to our overworked Benchers, a piece of board and a chunk of bath-brick, dear at 18 cents, would have sufficed to clean all the knives that cou'd be used. Possibly, however, it may be that the knife-cleaner is rather something whercon to hone penknives, wherewith to sharpen the lead pencils of practitioners, or possibly to whittle the library tables, or more probably it is connected with some new process of "filing bills," not yet made public.

Yours,

STUDENT.

FLOTSAM AND JETSAM.

THE decision of Mr. Commissioner Kerr that when a creditor asks his debtor to pay him by postal order, and the order is sent but goes astray in the post, there has been a good payment, seems in accordance with the cases. In *Warwick v. Noakes*, Peake, 67, it was held that if a debtor is directed by his creditor to remit money by the post, and it is lost, the creditor must bear the loss. To ask a debtor to send a postal order is, of course, to ask him to send the postal order by post. There must, on the other hand, be no negligence in the debtor carrying out the request. The letter must be plainly directed and to the right address.—*Law Journal* (London).