

Prac.]

NOTES OF CANADIAN CASES—CORRESPONDENCE.

necessary conclusion that the company is insolvent, and nothing is to be assumed in favour of the application as the petitioner must make out a clear case for the intervention of the Court.

That this Act does not put the offence mentioned in s.-s.f. higher than it is put under the Statute of Elizabeth (13 Eliz. c. 5), and that under that statute it is competent for a debtor in failing circumstances to prefer one creditor to another.

Although the petition was dismissed with costs the respondents costs were deducted from the petitioner's debt, and the petitioner has the right to file another petition.

S. H. Blake, Q.C., and Brough for petitioner.

Maclean, Q.C., for the foreign creditors.

G. T. Blackstock for the company.

PRACTICE.

Boyd, C.]

[March 31.]

THIRD NATIONAL BANK V. QUEEN CITY
REFINING COMPANY.

Receiver of Company—Application for direction as
to collection of unpaid calls.

This was an application of a Receiver of the assets of the defendant company by petition for a reference to the master in ordinary to consider and give directions as to the collection of unpaid calls on the capital stock of the company.

Held, that, notwithstanding *Thomas v. Torrance*, 1 Grant's Chancery Chamber Reports 9, the practice is for a receiver to apply to the party having conduct of the cause or to a creditor to make such a motion, and that he is not justified in making the application, unless they refuse to do so.

Application granted on substitution of plaintiffs as petitioners.

G. W. Meyer, for Receiver

A. H. Marsh, for Plaintiffs.

CORRESPONDENCE.

AMERICAN LEGAL HUMOURISMS.

To the Editor of the LAW JOURNAL:

SIR,—As an occasional contributor, I would ask leave to say a few words concerning a legal bi-monthly, hailing from Boston and St. Louis, called the *American Law Review*. This journal claims to have, using its own words, "the largest circulation of any legal periodical in the United States." (The typical Yankee always claims to have the biggest thing of the kind in his own line, and the biggest bragger is generally recognized by the initiated as such and nothing more.) It does not content itself, however, with legal matters, and thus delivers itself about the Dominion of Canada, apropos of nothing in particular:

They are the tail end of an empire—destitute of distinction in arts, in literature, in agriculture, in manufactures, and in mechanical inventions. They turned the cold shoulder to our ancestors in the War of the Revolution; their country was the basis of an invasion to our country in the war of 1812; and they have reaped their reward for it. They have a Vice Regal Court with its dudism and low necked dresses. They have justices who would regard it as almost a contempt of court, to have an American law book read to them. There is really no hope for their young men; for every good place, etc., etc., is filled by young nincompoops imported from England, and from all the provinces, east and west, they (we presume the nincompoops) are making to the States in great numbers, etc., etc.

And so on for about a page.

There are gentlemen as well as men of general information and historical knowledge, even among those who are not *émigrés* from Canada; why, therefore, should a legal periodical which claims a high position bring discredit on the professional journalism, by employing the pen of a writer whose ignorance on some points is only exceeded by his bad taste and capacity for lying as to others.

The next issue speaks as follows:—

The Montreal *Legal News* calls our mild and temperate observations (as above) on Canadian affairs, "a strange portrait." It traverses most of our statements, and wonders where we got our information. We got it from the stories told by Canadian *émigrés*, of whom there are a good number in this country, etc. These *émigrés* are among our very best citizens.