The Legal News.

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The Term of the Court of Queen's Bench, Crown Side, which has just terminated, presented a series of cases of peculiar interest, and not least the embracery case of *Reg.* v. *Leblanc*, reported in the present issue. As the law reporter does not usually follow the judge holding the criminal terms into this division of the Court, and as there has recently been special and well-founded complaint against popular reports of the proceedings, it may be useful to state that the text of the reports in the *Legal News* has had the approval and *imprimatur* of the learned judge presiding. As far as we recollect, all the reports of criminal cases which have appeared in the *Legal News* since the beginning of the work have been similarly approved. By text we mean the body of the report, exclusive of the head notes.

The *Montreal Law Reports* for April, in addition to the instalment of the Queen's Bench series issued some time ago, comprise pages 145 to 192 of the Superior Court series. Sixteen cases are reported, in which a number of new questions of interest are decided. The issues for the four months to date of the current year make a total of 416 pages of the work, including decisions on almost every branch of the law.

We were not aware that the colony of Canadian lawyers in New York was especially large. As far as this section of Canada is concerned, the *émigrés* whom we can call to mind were gentlemen whose continued presence here would have proved rather embarrassing to themselves, and have subjected them to possibly prolonged deprivation of liberty. These are hardly to be considered fair specimens of the profession in Canada; their success or failure abroad does not prove much one way or the other, nor are they comfortable associates for those who may legitimately seek to try their fortune in a larger field. We presume that there must be some of the latter, for a writer in a contemporary says:—"Many Canadians are prone to think that to locate in New York means assured success. Let not the young men of Canada deceive themselves; they will find at the bar of that State many hard-working, energetic, capable lawyers, men who devote their time both early and late to the continuous and well-directed prosecution of their profession, so many in fact, and so well directed their efforts, that the competition there is most intense."

A law in force in Illinois apparently compels judges to grant a change of venue, upon application supported by affidavit charging the judges themselves with "prejudice." A judge writing to the *Chicago Legal News* exclaims indignantly against the toleration of such a practice. He says in thirty years' experience he has never known a single meritorious petition against the judge. "The "law permits the judge to be outraged and "humiliated by any suitor, whether con- "scienceless, or ignorant, or possessed of the "vulgar notion that because the judge holds "a point of law adversely to him, he is there- "fore prejudiced, and peremptorily closes his "mouth to his own vindication. The very "man whom the law places in the judgment "seat with the injunction to give judgment "against no man, nor even to entertain a "charge against him, without giving him an "opportunity to be heard in his own vindi- "cation, and whose conspicuous station, life- "long habits of study and thought, and the "desire to win the approval of his fellow "men, all tend to inspire with a high sense "of honor, is the *only* individual entering the "courts of law who can be stained and de- "famed and bedaubed with impunity, and "who can be driven away from that tribunal, "so far as the particular case is concerned, "by an *ex parte* affidavit mechanically copied "from a book of practice, and which has "been tested in the Supreme Court and "found sufficient." He is surprised that such an iniquitous rule should be tamely submitted to, and encloses the following copy of an order on change of venue recently made by himself:—"This untrue petition seems to be correct in *form* and

technically sufficient, and while I know it to be untrue, yet so long as the people of this State deem it wise to permit the judges of their highest courts of general original jurisdiction to be humiliated and insulted by having such applications thrust in their faces by parties to suits whenever prompted by ignorance, passion, prejudice against the judge, or by a desire to harass or delay the opposite party, while at the same time the mouth of the judge is closed to the vindication of his honor and self-respect, the judge in any case can only submit to the humiliation and insult. I do accordingly order that the venue of this cause be changed," etc.

The *Albany Law Journal* in reply to a correspondent says: "We think that criticism of judicial decisions is one of the most important offices of a law journal. We do not think however that defeated attorneys ought to rush into print and criticise the courts in their own cases. They are not competent judges of the merits of their own cases. We have no 'dumb reverence' for our courts. If their decisions do not commend themselves to our judgment we never hesitate to say so."

According to the figures given by a Mr. Jones in an address quoted by a contemporary, the salaries of the judges in the neighbouring Union are as small as in Canada. He says: "Upon a careful tabulation of the statistics, I find that the sum of $4,221 represents the average salary paid by the states of this Union to a chief justice of the Supreme Court or Court of Appeals—that the sum of $4,100 is the average salary paid to associate justices of the Supreme Court or Court of Appeal; and that the average salary paid to circuit judges amounts to the sum of $3,158."

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

[Crown side.]

MONTREAL, March 26, 1885.

Before RAMSAY, J.

The QUEEN v. P. E. LEBLANC, on indictment for embracery.

Embracery—Proceeding pending.

It is essential to the existence of the offence of embracery that there should be a judicial proceeding pending at the time the offence is alleged to have been committed: and the existence of such proceeding must be alleged in the indictment.

A recognizance which on its face does not set out the particular offence charged against the person bailed, and which therefore on its face cannot be identified with any case, is insufficient to establish that a case is pending.

RAMSAY, J. This case was adjourned till to-day on a difficulty that arose as to the evidence, namely whether it was necessary in a case of embracery that there should be a proceeding pending. The definition of this offence is not absolutely clear, and so few cases have occurred in England that the authorities are very scarce. I have therefore had recourse to a work, which although not what we call authority, is a very able compilation. I refer to the Digest of the criminal law by Mr. Justice Stephen, in which I find this definition of the offence of embracery: "Every one commits the misdemeanor called embracery who by any means whatever, except the production of evidence and argument in open court, attempts to influence or instruct any juryman, or to incline him to be more favourable to the one side than to the other *in any judicial proceeding* whether any verdict is given or not, and whether such verdict, if given, is true or false."

In a note the learned compiler modestly adds: "The crime is so rare that the definition is very imperfect and more or less conjectural."

It has been my principal business to enquire since the Court rose on Tuesday evening how far the conjecture was imperfect as regards this point. On referring to the 5th Report of the Commissioners on Criminal Law, art. 50, I find this definition "Whosoever shall by any means whatsoever endeavour unduly and corruptly to influence any person impannelled, summoned, or expected to serve as a juror *in any proceeding*, in respect of his duty as such juror, shall incur" &c. Here then we find the necessity of the existence of a proceeding as a *sine qua non* to the existence of the offence. It may, however, be said that this report is a sug-

gestion, and not an authoritative statement of the law. That must be admitted; but when we come to look at the citation from Hawkins by which this article purports to be supported, there again we have "one side and the other" and "the trial of the cause," which certainly implies a pending proceeding. This too is consonant with every other portion of the law which I can recollect, and I can hardly think it will be seriously contended that persuading a juror generally of his duties, without reference to any case, implied or designated, would amount to embracery. There is no authority for saying so, and in a wholesome zeal to destroy this dangerous offence, we must be careful not to run the risk of confounding innocence and guilt.

A case of *Rex* v. *Opie*,* reported in 1 Saunders, 300 *c.*, is relied on to show that the proceeding need not be pending, for that all was alleged to have taken place, on the 17th day of March in a certain year, that is to say, the suit, the plea and the trial.

The case, so far as it goes, seems to me to establish the reverse, for it is alleged that a case was pending, the names of the parties are given at length, the cause of action and the plea, and it was alleged that before *trial*, the offence was committed. It could not have been committed after trial, and therefore that was alleged. By the narrative it appears that the case must have continued to exist after the institution of the action, since the plea was filed, and the trial had on the 17th March.

It was also argued that a person under prosecution could challenge a Grand Juror (Hawkins, Bk. 2, ch. 25, sect. 16), and that under our criminal procedure act (32 & 33 Vic., c. 29, s. 11) the court or judge could change the venue or place of trial "of any person charged with felony or misdemeanour, and therefore, by analogy, embracery could be committed in a case before indictment. These quotations only go to show that a person *under prosecution* may challenge a grand juror, and that a person *charged* may have the *venue* of his trial changed. It will be observed that Hawkins says: "Under prosecution" and that our statute says that there must be a person "charged." If, then, there is any argument to be drawn from these citations it is that there must be a *prosecution* or a *person charged*. I am therefore of opinion that there must be a judicial proceeding and by that I mean one that exists.

At this moment it is not necessary for me to go further, and I don't wish to forestall the questions that may be raised in this unfamiliar proceeding; but lest anything that fell from the Court on Tuesday evening may have been misunderstood, it is proper to state, that the magistrate has three modes of dealing with a complaint. He may commit, or he may bail or he may discharge. If he discharges, the proceeding is at an end. If he commits or bails, it is continued.

The prosecution thereupon proceeded to establish the complaint in the case of *Reg.* v. *Bulmer*, the appearance of the accused without warrant or summons, that he cross-examined the complainant, and his voluntary examination, without objection. The prosecution then offered to prove a recognizance by Henry Bulmer docketed: "Montreal, 12th day of August, 1884. The Queen against Henry Bulmer. Offence: misdemeanour. Recognizance of Henry Bulmer, defendant, to appear on the 1st September." In the body of the document the condition of the recognizance is thus set forth:—"The condition of the above written recognizance is such, that if the above bounden Henry Bulmer appear in person at the ensuing term of the Court of Queen's Bench holding criminal pleas, in and for the said district, to be holden at the Court House, in the said City of Montreal, on the first day of September, at ten o'clock

* In this case there is an attempt to attribute to Chief Justice Hale, an extraordinary *dictum*, namely that he would not hear a motion in arrest of judgment because of the scandalous nature of the charge. It may safely be presumed that this eminent judge never said anything so foolish, and that he has been made the victim of an accident not altogether unknown in the present day, an unfaithful report of what took place. Mr. Saunders, who was both counsel and reporter, does not tell us the grounds of his motion. Did we know them, we should be in a position to say what Hale declined to hear. It has long been a logical difficulty to say when a proposition is untenable; nevertheless, there are such things as untenable propositions even in law, and practice shows us that, if exceptional, they are not rare.

in the forenoon, and shall appear from day to day until he *be duly discharged*, then and there to answer such complaint, charge or charges as shall be on the part of Our Sovereign Lady the Queen, then and there preferred against him for misdemeanor, and shall keep the peace and be of good behaviour towards all Her Majesty's liege subjects and particularly towards Adolphe Davis until that time, then this recognizance shall be null and void, otherwise to remain in full force and virtue."

The production of this document was objected to on the part of the defence, that it was not a recognizance in any case, that it does not set out the charge or any offence whatever, and that it is not in accordance with the form, and does not give the substance of the form as required by section 52, 32 and 33 Vic., ch. 30.

On the part of the Crown it was contended that at common law it was a good recognizance, and that it formed part of the proceedings. Hawkins, Book II., ch. 16, p. 178, was quoted.

RAMSAY, J., said it was a good recognizance, but on its face it could not be identified with any case, or establish any continuation of the proceedings. Its being returned with a packet of papers established nothing, and, therefore, it was not evidence to go to the jury.

The prosecution then proved the complaint in the case of *Regina* v. *Tassé*, appearance, &c., as in the case of Bulmer, without objection; but when it was proposed to put in and prove the recognizance the defence again objected on the same grounds as in the Bulmer case.

RAMSAY, J. But there is a notable difference: the defendant is bailed to answer to a charge of libel, and libel is the offence in the indictment.

Mr. *Pagnuelo*, Q.C., for the Crown, said that the form in the statute intimated that the offence was to be stated "succinctly."

The Court admitted the recognizance *de bene esse*. It was considered as read.

The prosecution then proceeded with the Buntin case, and offered to prove the complaint.

Mr. *St. Pierre*, for the defence, objected to its production, as the indictment had set up that indictments were to be preferred.

RAMSAY, J. The indictment says more than this. It sets forth: "that among the criminal offences in due course so to be enquired into and presented by the said Grand Jury upon bills commonly called indictments to be preferred."

Mr. *St. Pierre*. Offences are not proceedings; and an indictment might be preferred although there was no existing proceeding.

Mr. *Pagnuelo* contended that the indictment was sufficient to give the accused to understand with what he was charged.

RAMSAY, J. It is not to be wondered at that a proceeding so new to us should give rise to embarrassment. The decision this morning maintained that a proceeding must exist, and it is a sequence of that decision that a proceeding should be alleged. Instead of that an offence is alleged, and the proceeding is *to be* preferred. If it were proved that the indictment had been preferred in these three cases the evidence would be at variance with the indictment in this case. Unless the prosecution can get over this difficulty I do not see the use of going on with the case.

Mr. *Pagnuelo*. Under the ruling of the Court I don't see what other evidence I could adduce that would be available.

RAMSAY, J., then charged the jury to acquit.

At the suggestion of the Court the other accusations were abandoned, and verdicts of acquittal were entered up.

COUR DE CIRCUIT.

MONTREAL, 24 mars 1885.

Coram CARON, J.

NORMANDEAU v. LANGEVIN et vir.

Mandat—Prêt d'argent.

La défenderesse est séparée de biens d'avec Augustin Varet, son mari, et l'a autorisé d'effectuer pour elle un emprunt d'au moins $1,500. *Il s'adressa au demandeur, notaire et courtier, qui lui servit d'intermédiaire pour l'emprunt; mais au lieu de* $1,500 *dont la défenderesse avait absolument besoin, on l'informa, que la somme empruntée n'était que de* $800. *Elle refusa cette*

somme, alléguant son insuffisance et refusa en même temps de souscrire l'acte d'obligation dressé à l'avance par le demandeur, en faveur du prêteur.

Jugé: 1o. *Que la défenderesse n'était pas tenue d'accepter ladite somme de* $800, *ni de souscrire l'acte d'obligation.*

2o. *Que le mandataire qui n'exécute que partiellement le mandat dont il s'est chargé, n'oblige pas le mandant et commet en même temps une faute grave, et qu'il est seul responsable envers ceux avec qui il a ainsi contracté.*

Le demandeur réclamait de la défenderesse, la somme de $30.50 pour commission sur l'emprunt en question, examen de titres, consultations, pas et démarches, rédaction d'acte d'obligation et hypothèque.

La défenderesse contesta cette demande alléguant, entre autres choses :

Qu'elle n'avait jamais requis les prétendus services du demandeur et n'avait non plus jamais autorisé qui que ce soit à requérir les dits services.

Que si l'emprunt en question avait été effectué par l'entremise du demandeur, cet emprunt n'était pas dans son intérêt, elle ne l'avait pas autorisé, le répudiait formellement et n'était aucunement responsable envers le demandeur.

Le demandeur prouva la valeur de ses services.

D'un autre côté, la preuve démontra que la défenderesse avait autorisé son mari à faire un emprunt d'au moins $1,500, somme indispensable pour l'affaire qu'elle avait en vue et qu'une somme moindre ne pouvait, dans les circonstances, lui être d'aucune utilité.

A l'argument, elle soutint que l'exécution partielle du mandat avait été une faute grave de la part de son mandataire, qu'il ne l'avait pas obligée et qu'elle ne pouvait être tenue d'accepter un emprunt tout à fait insuffisant et d'aucune utilité pour elle. Et à l'appui de ses prétentions elle cita les autorités suivantes :

Troplong, Mandat, éd. belge, No. 268, p. 101. Le même, Nos. 302, 303, 328, 349, 350, 591, 592, 598. Pothier, Mandat, Nos. 87, 88, 89. C. N. 1997. C. L. 2981. C. C. B. C. 1717, 1727. 12 R. L. 377. Story, Agency, 264, 265.

La Cour prit la cause en délibéré et renvoya l'action du demandeur avec dépens.

Action renvoyée.

C. Lebeuf, pour le demandeur.

Augé & Lafortune, pour la défenderesse.

(J. G. D.)

SUPERIOR COURT—QUEBEC. *

Evidence—Payment of judgment—Execution—Collateral security.—Held, 1. That verbal evidence is not admissible to prove payment of a judgment exceeding $50, though the judgment was for a debt of a commercial nature.

2. That a creditor who has obtained a joint and several condemnation against several debtors, may execute against one of them for the whole amount though he has received a note by way of collateral security from another defendant. — *Dominion Type Co.* v. *Pacaud et al.* (In Review.)

Vendeur — Réméré — Bornage.— Jugé: Que le vendeur à réméré, conserve un *jus in re* dans la chose vendue, et que le voisin peut le joindre à l'acheteur dans une demande en bornage.—*Lemieux* v. *Lemieux, et King.*

Damages caused by wrecked vessel. — The owner of the wreck of a steamer which obstructs the navigation of a river, is responsible for the damage caused to a vessel running thereupon, if a light be not kept at night, and proper marks by day, to indicate the position of the wreck.—*Baker* v. *Freeman.*

Pew in Church—Rights of lessee.—The lessee of a pew has an action *in factum* against a third person who interferes with his occupation of such pew. The right of the lessee is based on his lease which he should allege and prove.—In this case alterations had been made in a church, and some of the pews had been reconstructed. The defendant persisted in occupying a pew not corresponding to the one formerly leased to him, on the pretence that a board from his old pew had been employed in the construction of the pew which he wished to occupy. The Court said : " Le droit du locataire d'un banc d'église de poursuivre le tiers qui le trouble dans la possession de ce banc n'a jamais fait doute dans le

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* 10 Q. L. R.

droit français, non plus que dans le nôtre."—*Champagne* v. *Goulet.* (In Review.)

Partnership—Dissolution—Account.—A partner who had the sole management of the partnership business, cannot, after the dissolution, sue the other for a balance until he has rendered an account, or unless he tenders an account with his action. If the account rendered has been accepted by the former co-partner and contains an error, the only action competent to either is an action in reformation of account.—*Blais* v. *Vallières.* (In Review.)

APPEAL REGISTER—MONTREAL.

April 2.

Campbell & Bate, and Cunard SS. Co.—Motion for leave to appeal from interlocutory judgment, rejected.

Hurteau & Laurence.—Confirmed, Ramsay and Baby, JJ., dissenting.

The Queen & Massue.—Two cases. Judgment reversed, Dorion, C. J., dissenting.

Lord et al. & Davison.—Judgment confirmed, Cross, J., dissenting.

Davison & Lord et al.—Appeal dismissed, Cross, J., dissenting.

Guilbault & McConville.—Motion for appeal to P. C., granted.

JURISPRUDENCE FRANÇAISE.

Servitude de passage—Titre—Interprétation—Destination du père de famille—Enclave—Caractères.

1o. La clause d'un acte de partage ainsi conçue: "Les dessertes, passages, irrigations et autres servitudes d'usage seront continués dans les temps et les droits accoutumés," doit être considérée comme une clause de style et est trop générale pour constituer une servitude de passage en un lieu déterminé.

2o. Une servitude de passage discontinue mais apparente peut-elle être établie par la destination du père de famille?

(*Non résolu*).

3o. Une simple incommodité ne peut suffire pour constituer l'état d'enclave.

(19 *déc.* 1884. *Cour d'Appel de Lyon. Gaz. Pal.* 17-18 *fév.* 1885.)

Diffamation—Carte Postale—Absence de publicité.

La diffamation ou l'injure contenues sur une carte postale envoyée par la poste, ne présentent pas le caractère de publicité exigé par la loi, lorsqu'il n'est pas établi que la carte postale dont il s'agit ait été lue ou vue par d'autres personnes que les employés des postes ou la concierge avant d'arriver aux mains du destinataire.

(4 *déc.* 1884. *Trib. Cor. de la Seine. Gaz. Pal.* 17-18 *fév.* 1885.)

Chemins de fer—Transport de marchandises—Tarif spécial—Cassure—Responsabilité.

Une compagnie de chemins de fer, exonérée par une clause du tarif spécial auquel voyage une marchandise, de toute responsabilité, quant aux déchets et aux avaries de route, ne l'est pas par cela même des cassures qui ne sont pas comprises dans ces énonciations.

(25 *juil.* 1884. *Trib. Com. de Nimes. Gaz. Pal.* 17-18 *fév.* 1885.)

Immeuble par destination—Etablissement horticole—Plantes, arbrisseaux, fleurs, vases et pots—Objets nécessaires à l'exploitation.

Sont immeubles par destination les arbrisseaux, plantes et fleurs, vases et pots, placés sur un fonds par le propriétaire pour l'exploitation d'un établissement horticole et la reproduction et la culture des plantes et fleurs qui alimentaient son industrie.

(31 *jan.* 1884. *Trib. Civ. de Villefranche. Gaz. Pal.* 17-18 *fév.* 1885.)

Legs—Légataire universel—Mandat verbal par le de cujus *au légataire de payer une somme—Demande d'enquête—Serment décisoire.*

Tout legs verbal est radicalement nul; par suite les tribunaux ne peuvent ordonner une enquête sur une articulation de faits tendant à établir que le *de cujus* a donné à son légataire universel le mandat verbal de payer une certaine somme à une tierce personne.

La déclaration du serment décisoire est également, dans ce cas, inadmissible.

(8 *déc.* 1884. *Trib. Civ. de la Seine. Gaz. Pal.* 20 *fév.* 1885.)

Incendie — Responsabilité — Locaux occupés mais non habités par le propriétaire de la maison—Art. 1733 *et* 1734 *C. Civ. — Présomption non applicable.*

La présomption des art. 1733 et 1734 C. Civ. cesse d'être applicable quand l'immeuble incendié n'est pas occupé seulement par les locataires, mais aussi par le propriétaire, et il n'y a aucun motif de distinguer si le propriétaire habite ou n'habite pas les lieux dont il s'est réservé la jouissance exclusive et la libre possession.

La responsabilité qui dans l'un et l'autre cas lui est personnelle, prive le propriétaire du bénéfice résultant des art. 1733 et 1734 C. Civ., à moins qu'il ne soit prouvé que l'incendie n'a pas commencé dans les lieux habités par lui ou restés à sa disposition et demeurés sous sa surveillance.

(5 *déc.* 1884. *Trib. Civ. de Lyon. Gaz. Pal.* 24 *fév.* 1885.)

STANDARD TIME.

To the Editor of THE LEGAL NEWS:

SIR,—The difference of local time according to longitude having been found very inconvenient by the managers of railways in Canada and the United States, especially as to their time-tables, a conference of these gentlemen was held in 1883, at which it was decided to recommend for adoption a system of *standard time* by which railways should be run by it, each 15° of longitude (one hour in time) to form a time zone, within which all railways should be run by it, the time of the centre meridian of each zone being taken as the standard for the seven and a-half degrees on each side of it, and that of 75° of West Longitude from Greenwich being chosen as the standard to be used by railways within the territory bounded by the meridians of 67½° and 82½°, including the Atlantic States and a large part of Canada. The same rule was to be observed for the whole distance across our continent. This system was nominally adopted by a very large majority of the American and Canadian railways. But it was found difficult to abide by it in some cases in consequence of the sudden jump of an hour in time in passing from one time zone to another, as many railways in both countries must do; and it seems the Grand Trunk, Great Western and Canadian Pacific are each run into two time zones within Ontario, and the Intercolonial into two such zones in Quebec, New Brunswick, and Nova Scotia. There must be many railways in the United States which violate the conference rule in like manner; and this is a very great imperfection in the rule itself. But this is a matter for the consideration of the railway magnates themselves. The matter to which I desire to call your attention is the legal aspect of the case.

Many people (not lawyers, of course) seem to suppose that standard time has become *legal* time, and seem inclined to govern themselves and their doings by it, thus putting the railway managers in the place of the Legislature. Now, looking for the moment at Ontario alone, standard time at London is about twenty-four minutes earlier than legal time; and there are places in Essex where the jump occurs from one time zone to another, and at which the standard time is an hour earlier on one side of an invisible line than on the other. Now our Act 32-33 V., c. 21, § 1, defines "night" for the purposes of that Act as commencing at "nine o'clock in the evening of each day and ending at six o'clock in the morning of the next succeeding day," so that by standard time it would be night on one side of the line when it was day on the other; and by sec. 50 *burglary* is defined to be the commission of certain offences in the *night* only, so that the same offence would be burglary on one side the line and not on the other. Mr. Robertson, of Hamilton, has now a Bill before the House of Commons making burglary punishable by imprisonment in the penitentiary for life. Fancy a man tried for burglary in the neighbourhood of that line, and a question arising as to the hour when the offence was committed. But, even in London, the offence would be burglary twenty-four minutes earlier in the evening by standard than by legal time, and the offender, if he did not break in, would have twenty-four minutes longer to break out. Then, again, the Ontario Revised Statute, c. 111, § 22, provides that no Registrar shall receive any instrument for registration except within the hours of ten in

the forenoon and four in the afternoon, and he is to endorse on the instrument registered not only the year, month, and day, but the hour and minute of registration. Now suppose him to shut and open his office in London by standard time, he would shut it twenty-four minutes before, and open it twenty-four minutes before the legal time. Might he not do serious wrong to a person whose mortgage or other claim he received or refused illegally? and might he not be liable in heavy damages for doing so? Or suppose a Returning Officer closing or opening his poll twenty-four minutes before or after the legal time; or a tavern-keeper doing the same by his bar; or a case of insurance with a policy expiring at noon, and a loss occurring after *standard* but before *legal* noon. And so of an infinite variety of cases, where time is of the essence of the act done and its effect. In England, where they look closely into the consequences of such things, difficulties of this kind were foreseen when Greenwich time was adopted for all England in 1880, and an Act, 43-44 V., c. 9, was passed making it *legal time*, which, of course, they knew it would not otherwise be. I can believe that the advantages of the change may there have been greater than the disadvantages; for England is comparatively small, and the greatest difference between standard and the old legal time is only about twenty-two minutes, and there is no jump of an hour; the sea bounds the time zone, so that no one can mistake it; and they have taken care to leave Dublin time for Ireland. Our case and that of the United States is different. We have five jumps of one hour each; and with all due respect for the railway authorities, I think it would have been better if they had adopted or would adopt the time of 90° West Longitude as the standard for the United States and Canada right across the continent —one railway time without jumps or breaks, and the two oceans for the limits of the time zone. A clock with two minute hands, or one hand with two points, would show legal and standard time at once; and there would be no places with *two* standard times, as there are now at the boundary of each time zone. I am informed that the authorities of the Naval Observatory at Washington hold the same opinion. If any but the present legal time is to be used *as such* the change should be made by law, as it was in England. In the United States, it appears, that every State has power to fix its own legal time; Congress has it only for the District of Columbia (ten miles square, I believe), and has exercised the power by adopting standard time of 75° West Long. But the said District is smaller than England, and there could hardly be a minute of time difference between any two places in it. In Canada, I think the power rests with the Dominion Government. I am of opinion that there should be no change in the legal time; that Canada is too big to adopt one legal time for its sixty or seventy degrees of longitude, and that no jump system could be made rational and workable in law. But I hold that the Dominion Government and the Governments of the several Provinces should state authoritatively that the mean solar time of each place remains as hitherto the *legal* time thereat, and that all officers and functionaries must so consider it, and open and close their offices, and be governed in the performance of their duties, by it and by no other. At the International Conference for the purpose of fixing a prime meridian and universal day, held at Washington in October last, such universal day to begin and end at the same moment all over the world as it does at Greenwich, was adopted "for all the purposes for which it may be *found convenient*, and which shall not interfere with the use of local or other standard time where desirable." It would have made the day at Toronto begin at seventeen and a half minutes after what we now call seven p.m., and Sunday would begin at that hour on Saturday, and end at the same on Sunday. I think this would not be "found convenient," and that we in Canada shall not adopt it. It has always been used at Greenwich, I believe for astronomical purposes, except that the day began at noon, and now begins at midnight. It is excellent for scientific purposes, and, for the adoption of Greenwich as the First Meridian, England, and all men of English blood and tongue owe a debt of gratitude to the Conference and to Sandford Fleming.

W.