

APRIL, 1895.

# The Barrister.

Issued Monthly.

Published by the LAW PUBLISHING CO. of Toronto.

Subscription Price \$2.00 per annum.

## THE TORONTO GENERAL TRUSTS CO.

OFFICES AND

### SAFE DEPOSIT VAULTS

South-East Cor. Yonge and Colborne Sts., Toronto.

<i>Capital</i>	=	=	<b>\$1,000,000</b>
<i>Guarantee and Reserve Funds</i>			<b>240,000</b>

PRESIDENT, HON. EDWARD BLAKE, Q.C., M.P.

VICE-PRESIDENTS, (E. A. MEREDITH, Esq., LL.D.  
(JOHN HOSKIN, Esq., Q.C., LL.D.

Under its Charter of Incorporation and Letters Patent, the Company has authority to undertake and execute every kind of trusts, and financial agencies of all descriptions. Among the more important trusts, agencies and other offices which the Company is authorized to discharge, the following may be specially mentioned :—

1. Trustee under the Appointment of Courts, Corporations and private individuals.
  2. Executor, Administrator, Guardian, Committee, Receiver, or other official or fiduciary functions.
  3. Agent for any person holding any of the foregoing offices.
  4. Agent and Attorney for the management and winding up of Estates.
  5. Agent for investing money, collecting interest, dividends, mortgages, and generally for managing any financial offices.
  6. Receiver and Assignee.
  7. Agent for the issuing and Countersigning of Stock, Bonds and other obligations, and for receiving and managing Sinking Funds.
  8. Management of a Safe Deposit establishment for the secure custody of documents and valuables.
- Wills appointing the Company Executor and Trustee are received for safe custody free of charge.  
The Services of Solicitors who bring estates or business to the Company are retained.  
All business entrusted to the Company will be economically attended to.

#### LOANS AND INVESTMENTS.

The Company has always at its disposal a large amount of funds which will be invested at the lowest rate of interest.

J. W. LANGMUIR, MANAGING DIRECTOR.

**LIDLAW, KAPPELE & BICKNELL,**

Barristers and Solicitors.

*Office, Imperial Bank Buildings, 34  
Wellington St. East, Toronto.*

Telephone No. 19. Cable address, "Laidlaw," Toronto.

William Laidlaw, Q.C.  
James Bicknell.George Kappele.  
O. W. Kerr.**CLARKE, BOWES, HILTON & SWABEY,**

BARRISTERS, SOLICITORS, NOTARIES, &amp;C.

*Janes Building, cor. King and Yonge Sts.,  
Toronto.*

Telephone 403.

J. B. Clarke, Q.C.  
Charles Swabey.

R. H. Bowes.

F. A. Hilton,  
E. Scott Griffin.**LOBB & BAIRD,**

BARRISTERS, SOLICITORS, &amp;C.

*Office, Quebec Chambers.*

Arthur F. Lobb.

James Baird.

Telephone.

**CLUTE, MACDONALD & MILLS,**

CLUTE, MACINTOSH &amp; McCRIMMON,

BARRISTERS, SOLICITORS, NOTARIES, &amp;C.

*Offices, Canada Life Chambers, Toronto.*R. C. Clute Q.C. G. S. Macdonald. J. A. Macintosh.  
J. A. Mills. Neil McCrimmon.

Cable address, "Macks."

Telephone 1941.

**MACDONELL, MCCARTHY & BOLAND,**

BARRISTERS, SOLICITORS, &amp;C.

*Offices, Quebec Chambers.*

A. C. Macdonell.

W. E. McCarthy.

W. J. Boland.

Telephone 1076.

**HOWLAND, ARNOLDI & BRISTOL,**

BARRISTERS, SOLICITORS, &amp;C.

*London & Canadian Chambers, 103 Bay  
St., Toronto.*

Cable address, "Arnoldi," Toronto. Telephone No. 540.

Frank Arnoldi, Q.C.  
Edmund Bristol.O. A. Howland, M.P.P.  
W. H. Cawthra.**THOMSON, HENDERSON & BELL,**

BARRISTERS, SOLICITORS, &amp;C.

*Offices Board of Trade Building.*D. E. Thomson, Q.C.  
George Bell.David Henderson.  
J. B. Holden.

Telephone 957.

**HUNTER & HUNTER,***17 Equity Chambers.*

W. H. Hunter,

A. T. Hunter.

Telephone 1573.

**RICHARD ARMSTRONG**

BARRISTER, &amp;C.

*Offices, 97, 98, 99 Confederation Life  
Building, Toronto, Ont.*

Telephone 1831.

**MACDONELL & SCOTT,**

Barristers, Solicitors, &amp;C.

*51 Yonge Street.*

A. McLean Macdonell.

Charles D. Scott.

**CORLEY & MCKEE,**

BARRISTERS, SOLICITORS, &amp;C.

*Offices, Canada Life Chambers.*

J. W. S. Corley.

H. E. McKee.

Telephone 2088.

**MCLEAN & LEWIS,**

Barristers, Solicitors, &amp;C.

*Manning Arcade.*

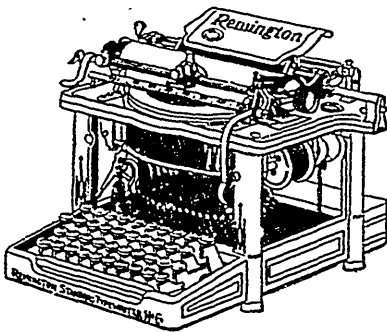
A. G. McLean.

W. A. Lewis.

CONTENTS:

	PAGE
Sir Thomas Galt, K.C.M.G., as a Lawyer - - - - -	185
Law Reform Legislation - - - - -	189
A Fair Attorney - - - - -	198
EDITORIAL - - - - -	199
Notes of Recent English Cases - - - - -	202
Insurance Notes - - - - -	203
LAW SCHOOL DEPARTMENT—	
Osgoode Hall and Law School Notes - - - - -	206
Vive Brains - - - - -	209
Briefs from Exchanges - - - - -	210
Law School—Continued from January No. - - - - -	213

The No. 6



**Remington  
Typewriter**

A DEVELOPMENT  
NOT AN EXPERIMENT

Many Notable Improvements successfully incorporated into this new model, retaining the essential features of simplicity and durability for which the Remington is famous.

**Geo. Bengough**

45 Adelaide St. East

TORONTO - - - - - ONT.

**D. STEVENSON**


Merchant  
Tailor

A choice selection of English, Irish and Scotch Tweeds in stock. All orders executed in first-class style, at reasonable prices.

*The Patronage of Lawyers and Law Students specially requested.*

281 YONGE STREET

TORONTO.

THE 

# Confederation

ESTABLISHED  
1871

# Life Association

TORONTO.

*Issues*

*A Policy  
with one  
Condition  
only . .*

viz:

*The  
Payment  
of the  
Premium*



**“ Insurance**

....Granted under the Association's new UN-  
....CONDITIONAL ACCUMULATIVE PLAN at or-  
....dinary rates,

**“ That**

....affords complete protection from date of  
....issue of policy. It

**“ Insures ”**

....Absolutely. There are no restrictions as to  
....residence, travel or occupation.

---

---

## POLICY CANNOT LAPSE

..... as long as it has a Reverse value.

### EXTENDED INSURANCE

Without application for the full amount of the policy, is guaranteed in the event of the non-payment of a premium when due.

Paid up Policy and Cash Values also guaranteed in the policy.

Full information furnished upon application

---

---

HON. SIR W. P. HOWLAND, C.B., K.C.M.G.,  
*President.*

J. K. MACDONALD,  
*General Manager*

W. C. MACDONALD, Actuary.

# The Barrister.

VOL. I.

TORONTO, APRIL, 1895.

No. 5.

## SIR THOMAS GALT, K.C.M.G., AS A LAWYER.

BY RICHARD ARMSTRONG.

It is said that Judges seldom die, and never resign, and, judging by the Supreme Court of Canada, that adage seems to hold good. Sir Thomas Galt became an exception to this rule when he resigned from the Chief Justiceship of the Common Pleas Division last year. Few lives of public men have been so useful, so well-rounded, so full of honor, and to few have been granted such a serene and cheerful old age. No Judge ever adorned the Bench in Ontario who was more beloved by the entire profession than Sir Thomas Galt. He is blessed with a very amiable, generous, tender, and charitable disposition. It is impossible not to love, as well as respect and admire such a man. It is to be hoped that Sir Thomas will live for many years, to enjoy his well-earned rest.

The subject of this sketch was the second son of Mr. John Galt, the distinguished Scotch novelist, and friend of Lord Byron, and afterwards his biographer; he was also the author of "The Annals of the Parish," "Sir Andrew Wylie," "The Last of the Lairds," "The Provost," and other works of wide popularity and conspicuous literary merit.

The Galt family is an ancient one, and is prominent in Scottish annals.

Mr. John Galt had three children; the eldest was John, who afterwards became Registrar of the county of Huron. Thomas, the subject of this sketch, was the second, and Alexander Tilloch, afterwards known as Sir A. T. Galt, was the youngest, who became Finance Minister of Canada, and High Commissioner to the Court of St. James.

Sir Thomas Galt was born in London, England, on the 12th of August, 1815, so that he is now in his eightieth year. He attended private schools in London, and afterwards at Musselborough, near Edinburgh. The late George Brown was a fellow pupil at this school. In 1828, in company with his father, he visited Canada, and, as a boy, was greatly impressed with the mighty St. Lawrence, the vast lakes, and the great forests. He attended with his father an Indian wedding, being the marriage of a niece of the celebrated Joseph Brant, at the residence of John Brant, situated on the Grand River, near the present city of Brantford.

The Brant Indians were always celebrated for their hospitality, and gave

the Galts a royal welcome, and quite captivated the heart of young Thomas, and he ever afterwards retained a kind regard for the dusky red man. The Galts returned to England that fall, but five years afterwards Mr. Thomas Galt, being then eighteen years of age, cheerfully left the shores of England to return to Canada, which had so taken his fancy five years previously. He entered the office of the Canada Company as a clerk, his father having been the organizer of that company, and remained so occupied for the next seven years.

In 1840, he decided to become a lawyer, and entered the office of the late Chief Justice Draper, who was then Attorney-General, and began the study of law, which he pursued with the greatest diligence possible, and was called to the bar Easter term, 1845, when he launched out alone on the troubled waters of professional life. He was now about thirty years of age, and had had some business experience, and had a large circle of friends who believed in him, so that from the first he had little difficulty in obtaining clients. It has often appeared to the writer that many men get through law too young. They have not made friends in a business way, nor have they had time to impress their friends with a sufficient idea of their capacity to do business. It takes some years to do so, and in the meantime business comes in so slowly that their hearts are almost broken waiting in a back office to get themselves discovered, and many, while thus waiting, become an appropriate subject for the artist who painted that great

work, "Waited in Vain." It is to be noted that few men have begun the practice of law at thirty, or over, who have failed to succeed. When Mr. Galt was called to the bar there was only the Queen's Bench Division, presided over by Sir John Beverley Robinson, Sir James Macaulay, Hon. Mr. Justice McLean, and Hon. Mr. Justice Hagerman.

The first case of importance that Mr. Galt appeared in was *McDonell et al., vs. the Bank of Upper Canada.*

The amount involved was £30,000, a large amount for that time, and all the leading Counsel in Upper Canada were retained. John Hiiyard Cameron, Q. C., Vankoughnet, Q. C. and Sherwood, Q. C., appeared for the Bank; M. C. Cameron, Q. C., Burns, Q. C., Haggarty, Q. C., and Mr. Galt, appeared for *McDonell et al.* The point that Mr. Galt pressed on the Court mainly won this case, and his reputation became established. His success as a lawyer lies in the fact that he had an active brain, sound judgment, and was a conscientious worker, and was the soul of honor. He entered into partnership with the Hon. John Ross in 1852. This firm became Ross & Galt. This was a period of national expansion. The Grand Trunk was begun just about this time, and Mr. Galt acted for a large number of the English bondholders. He acted as Counsel, more or less, for the various railways that were promoted at that time. In 1855, he was elected a Bencher, and the following year, on Mr. John Hawkins Haggarty being called to the Bench, he took his place in the firm of Haggarty & Crawford. Besides

devoting himself to corporation council work, he became celebrated as, next to the two Camerons, the leading Criminal Counsel in the Province. In 1856, he defended Mr. Brogden, a leading lawyer of Cobourg, for murder. The circumstances were as follow :

A man named Henderson seduced Brogden's wife, and ran off with her. About a year after, Henderson was a passenger on board a boat that called at Port Hopé on its way down the lake, and some one informed Brogden that Henderson was on the boat. Brogden at once hastened down to the dock, and seeing Henderson pacing the deck at once drew a revolver and shot at him. Henderson fell dead, pierced through the heart. Brogden was arrested for murder. The Hon. Chief Justice Robinson presided at the trial.

The Hon. Henry Smith, Attorney-General, prosecuted. The Chief Justice charged strongly against the prisoner, but Mr. Galt's address and public sentiment were too strong, and the jury acquitted Brogden. Mr. Galt's address was quoted and commented on in flattering terms by the *London Times* as one of the finest expositions on justifiable and excusable homicide they had ever read. This was the first instance of the English papers noticing a Canadian advocate. Another criminal case he acted in at Cobourg was the *Queen vs. Dr. King*. Mr. Galt here acted as Crown prosecutor. Dr. King was accused of poisoning his wife, John Hillyard Cameron, Q.C., defended him. At the time of the wife's death there was not the slightest suspicion of foul play. The doctor went to reside with

his brother-in-law, who one day put on the doctor's overcoat to run across the road, and in taking it off, let a photograph of a young lady fall out, this set him thinking, and led to his becoming suspicious, and the result was, Dr. King was arrested. It was one of the celebrated criminal cases of its day. Mr. Galt succeeded in obtaining a conviction in this case to the surprise of many who thought money and position, with the assistance of John Hillyard Cameron, would be sure to get King off.

In the case of the *Queen vs. Greenwood*, a great compliment was paid Mr. Galt by the Government of the day. Greenwood, who was one of the most celebrated criminals of his day, had been tried for murdering a woman, and then burning the house to cover up his crime. He had been tried for the murder in the first instance, and Stephen Richards was the prosecutor, and Mr. M. C. Cameron acted for the defence, and the result was that Mr. Cameron succeeded in getting Greenwood off. The Government were so incensed that they laid a charge of arson against Greenwood, and retained Mr. Galt to prosecute. The evidence was practically the same, but Mr. Galt succeeded in marshalling it so that the jury, this time, brought in a verdict of guilty.

In 1859, he was created a Queen's Counsel. During the next ten years, he acted more and more for corporations, until they took up his entire time. When he was appointed to the Bench in 1869, he had a standing retainer from all the foreign insurance companies; also held standing retainer from a number of the banks and some

of the railways. There are three requisites necessary for a man to have to become an ideal judge.

First, he should be endowed with good judgment.

Second, he should have a good temper, and a kind disposition.

Third, he should be a hard worker and diligent student.

No matter how well up in law a judge is, or how hard a worker he may be, if he is lacking in judgment or temper, he is sure to do great harm to the country he is supposed to serve. The writer has always thought that a great deal more care should be taken in the selecting of judges, in regard to their judgment and temper—they should be as free as possible from all prejudices, there should be nothing petty or narrow about them. Many barristers who have won their way to the front rank in their profession, have, when promoted to the Bench, made very unsatisfactory judges, on account of their lack of judgment or bad temper. No lawyer was ever appointed to the Canadian Bench, to whom Nature had been more generous in fitting for the position than Sir Thomas Galt.

The only criticism that has ever been made of Sir Thomas is, that he was too lenient with criminals and accused prisoners, "and quite forgot their vices in their woe." But, if so, it can be truly said, "that even his failings leaned to virtue's side."

Yet, the writer is by no means sure that even this criticism is fair, and rather favors the view that in the administration of the criminal law he carried out the true spirit of the act, which says a person is to be consider-

ed innocent of any crime until proved guilty. It is this great fundamental principle that has made British laws the pride and envy of mankind. So long as this remains inviolable we will never hear of lynch law, which has so much disgraced the Southern and Western States.

Among many of the celebrated cases Sir Thomas has tried, *The Queen vs. John and Sydney Tryson*, which he tried at Barrie, Sept., 1873, is interesting at the present time, owing to the fact that it, in many respects, resembles the Hendershott case.

The murdered man was a druggist who had removed to the States and resided there for a number of years, and, returning with some money, went up to the Muskoka district to trade with the Indians. He was killed in the same way as Hendershott was killed, and his murderers tried to palm off his death in the same way by a falling tree; he was buried, and some months passed before an investigation took place, when the murderers were tried by his Lordship at Barrie, and were convicted and hanged. The late Hon. E. B. Wood was crown prosecutor, and Darcy Boulton defended the prisoners, so we see how history repeats itself in crimes, as well as other matters. We always think the last is the greatest and most intricate.

*The Queen vs. Phcebe Campbell*, was another celebrated case his Lordship tried. This was one of the most heartless and cold-blooded murders that was ever perpetrated by an intelligent woman. Phcebe Campbell was the wife of a well-to-do farmer in the township of Sombra. She was a hand-



some and intelligent woman, but becoming enamored and intimate with the hired man, she determined to get rid of her husband, and while he was asleep in bed she got up and murdered him, and was tried and convicted.

Sir Thomas, although in his eightieth year, is still very active in mind and body, and can be seen any bright day walking up to Osgoode Hall to have a chat with his old associates on the Bench, or, in the afternoon, walking down to the Toronto Club to have a quiet game of whist, a form of recreation he dearly loves. He and his brother, the late Sir Alexander, had

the reputation of being the two best whist players in Toronto. Sir Thomas is one of those kind-hearted men who make the world better by living in it. He never enters a room but that his cheerful smile and cheery manner cast a ray of sunshine around. You can notice the effect perceptibly on the countenances of every one present. The success of such a man's life can never be measured by his public acts; he has probably made a thousand hearts happier than he does not know of himself, and so it has been with Sir Thomas Galt.

## LAW REFORM LEGISLATION.

58 Vic., (C. 13).

An Act for diminishing Appeals and otherwise improving the Procedure of the courts.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows —

1. This Act may be cited as *The Law Courts Act, 1895* and sections 4 to 7 inclusive, section 9, sections 17 to 39 inclusive, and sections 41, 42 and 52 shall go into effect immediately upon the passing of this Act, but the remaining sections of this Act shall not go into effect until such day, not before the first day of September, 1895, as the Lieutenant-Governor in Council may by order in council appoint.

### ONE APPEAL ONLY.

2. After this Act goes into force there shall not be more than one Appeal in this Province from any judgment or order made in any action or matter; save only at the instance of the Crown in a case in which the Crown is concerned; and save in certain other cases hereinafter specified.

### SECURITY FOR COSTS OF APPEAL.

3. On an appeal to the Court of Appeal, from any court or judge, or on an appeal from a single judge or from a county court or county court judge to a divisional court of the High Court, no security shall be required for costs or damages, unless such security is specially ordered by the court to which the appeal is made or a judge thereof. (*Vide Judicature Act, sec. 71*; Consol. Rules No. 804 to 811; R.S.O. c. 51, s. 108; R.S.O. c. 91, s. 31, 56; R.S.O. c. 194, s. 119; R.S. (C.) c. 119, s. 115.)

### HIGH COURT JUDGES SITTING IN APPEAL.

4. In case of judges not having been chosen by the judges of the Supreme Court, as mentioned in section 11 of *The Judicature Act*, or in case the judge or judges chosen not being available, the senior President of one of the Divisions of the High Court shall sit in the Court of Appeal where one judge only is needed for the High Court, the two senior Presidents where two are needed, and the three Presidents where three judges are needed.

Any other judge of the High Court may sit in the place of one of the Presidents by arrangement between such other judge and the President whose duty it is to sit as aforesaid. (In force from April 16th, 1895.)

5. Where a judge of the High Court is selected under section 11 or section 12 of *The Judicature Act*, or is appointed by or under this Act, to sit in the Court of Appeal, the business of the Court of Appeal shall thenceforward have precedence of all other judicial duty of such judge. (In force from April 16th, 1895.)

6. In the case of appeals from a single judge, sitting in court or otherwise, to the Court of Appeal, three judges of the Court of Appeal shall be sufficient to hear and dispose of the case, if the court thinks fit to proceed therewith without the presence or assistance of a fourth judge. (In force from April 16th, 1895.)

7. Judges of the High Court to whom at any time shall fall the duty of sitting in the Court of Appeal, or in a divisional court thereof, shall continue to be the judges to perform such duty until a selection, or new selection (as the case may be), shall be made by a majority of the judges of the supreme Court. (In force from April 16th, 1895.)

#### PROCEDURE OF COURT OF APPEAL.

8.—(1) An appeal to the Court of Appeal shall be by notice of motion, setting forth the grounds of the appeal, and such notice shall be given, and the appeal shall be set down for the first day of the sitting of the Court of Appeal commencing after the expiration of one month from the date on which judgment has been signed, or for such later day in any case as the Court of Appeal or a judge thereof may allow. The notice shall be served within one month after the judgment complained of, or within such further time as the Court of Appeal or a judge thereof may allow. *Jud. Act*, s. 91.

(2) In cases of such notice of appeal being so given and the appeal set down as aforesaid, and notice thereof, signed by the Registrar of the Court of Appeal, being given to the Sheriff, where a writ of execution is in his hands, the execution of the judgment or order appealed from

shall be stayed pending the appeal, unless otherwise ordered by the court or judge appealed from or by the court to which the appeal is made or a judge thereof; and the order may be on such terms as the court or judge applied to thinks fit. *Judicature Act*, sec. 71; Consolidated Order 204.

(3) Printed appeal books shall not be necessary: but the court appealed from or a judge thereof, or the Court of Appeal or a judge thereof, may for special reasons order the printing of any documents, proceedings or other papers in any case for the use of the court; or the same may be printed by consent of the parties interested in the appeal.

(4) In the case of the same being printed without any order or consent, the party printing shall in any event bear the costs thereof, so far as the same exceed the cost of necessary type-written copies.

#### EFFECT OF JUDICIAL DECISIONS.

9.—(1) The decision of a Divisional Court of the Court of Appeal on a question of law or practice shall, unless overruled or otherwise impugned by a higher court, be binding on the Court of Appeal and all divisional courts thereof, as well as on all other courts and judges, and shall not be departed from in subsequent cases without the concurrence of the judges who gave the decision, unless and until so overruled or impugned.

(2) It shall not be competent for the High Court or any judge thereof in any case arising before such court or judge to disregard or depart from a prior known decision of any court or judge of coordinate authority on any question of law or practice without the concurrence of the judges or judge who gave the decision; but if a court or judge deems the decision previously given to be wrong and of sufficient importance to be considered in a higher court, such court or judge may refer the question to such higher court.

#### DIVISIONS OF THE HIGH COURT.

10. The Queen's Bench, Chancery, and Common Pleas Divisions of the High Court shall not sit or give judgments as such divisions, (except for the purposes of the Criminal Code, 1892, and there

shall not be divisional courts of any of the said divisions; but the divisional courts shall be divisional courts of the High Court, without reference to the said divisions. (Criminal Code, 1892, s. 3, sub-sec. 1 (e(i)); *ib.* s. 742.)

#### JURISDICTION OF THE HIGH COURT.

11. Subject to section 68 of *The Judicature Act*, an appeal shall lie to a divisional court of the High Court, instead of as heretofore provided by any statute or rule of court, in the following cases:

- (1) From judgments or orders made in actions or matters in the High Court by a judge in chambers, and from judgments or orders made by the master in chambers, the master in ordinary, a local judge, a district judge, a stipendiary magistrate, or a local master (R.S. O. c. 91, s. 43);
- (2) From the certificates or reports of masters and official referees;
- (3) From any judgment or order of a judge of the High Court in court;
- (4) From county and district courts, as provided in *The County Courts Act*;
- (5) From surrogate courts or a surrogate judge, as provided in *The Surrogate Courts Act*, and *The Act Respecting Infants*;
- (6) From division courts, as provided in *The Division Courts Act*;
- (7) From provisional judicial district courts, as provided in *The Unorganized Territories Act* (R.S.O. c. 91, s. 53; R.S.O. 44, s. 44);
- (8) From stipendiary magistrates, as provided in section 31 of *The Unorganized Territories Act*;
- (9) From a judge of a county court upon an appeal from a conviction or order arising out of or under *The Liquor License Act*, as provided in the said Act;
- (10) From a judge of a county court, as provided in *The Act Respecting Water Privileges*;
- (11) From a judge of a county court, or stipendiary magistrate, as provided in the *Act respecting the public interests in Rivers, Streams and Creeks* (R.S.O. c. 120, s. 15);

- (12) From a judge of a county court, as provided by *The Act respecting Over-holding Tenants*. (R.S.O. c. 144, s. 6.)

12. The following proceedings and matters shall also be heard and determined before a divisional court of the High Court; but nothing herein contained shall be construed so as to take away or limit the power of a single judge to hear and determine any such proceedings or matters in any case in which he has heretofore had power to do so, or so as to require any interlocutory proceedings therein heretofore taken before a single judge to be taken before a divisional court:—

- (1) Proceedings directed by any statute to be taken before the court in which the decision of the court is final.
- (2) Cases of *habeas corpus* in which the judge directs that a motion for the writ, or the writ, be made returnable before a divisional court.
- (3) Application for new trials in the High Court where the action has been tried with a jury.
- (4) Other cases where all parties agree to the same being heard before a divisional court.

Jud Act s. 68, 69: *re* Wilson, 30 C. L.J., 399 A.

#### NO APPEALS FROM HIGH COURT.

13.—(1) No appeal shall lie from any judgment or order of a divisional court, except as hereinafter provided.

(2) In case, after this Act goes into effect, a party appeals to a divisional court of the High Court in a case in which an appeal lies to the Court of Appeal, the party so appealing to the High Court shall not be entitled to afterwards appeal from the said divisional court to the Court of Appeal, but any other party to the action or matter may appeal to the Court of Appeal from the judgment or order of the divisional court.

(3) In other cases, an appeal to the Court of Appeal shall not lie from the judgment or order of a Divisional Court pronounced on an appeal to such Divisional Court except by special leave first obtained upon an application to such

divisional court, or the judge whose judgment or order is in question, or to the Court of Appeal or a judge thereof.

(4) The granting or refusing of such leave shall be in the discretion of the court or judge applied to therefor, in view of all the circumstances; and in case of such leave being granted, such terms and conditions may be imposed as the court or judge sees fit; but such leave shall not be granted unless, besides being in the opinion of the court or judge a proper case for the granting of the leave, the case falls within one or more of the following cases, that is to say:

Where the matter in controversy on the proposed appeal exceeds the sum or value of \$1,000, exclusive of costs; or involves indirectly otherwise that sum or value; or involves the validity of a patent; or where the judgment or order involves a question of law or practice on which there have been conflicting decisions or opinions by the High Court of justice, or by judges thereof; or where a judgment or order is in regard to a matter of practice, but affects the ultimate rights of parties to the action to the extent of the said sum or value; or where there are other sufficient special reasons for treating the case as exceptional and allowing a further appeal.

14. Subject to the exceptions and provisions contained in this Act, an appeal shall lie to the Court of Appeal from every judgment, order or decision of the High Court whether the judgment, order or decision was that of a divisional court or of a judge in court, and including cases tried with a jury where the appellant complains of the judgment and asks in the alternative for a new trial.

#### SITTINGS OF HIGH COURT.

15. Every divisional court of the High Court shall be composed of three judges. No judge shall sit as a judge on the hearing of an appeal from any judgment or order made by himself.

16. There shall be a sitting of a divisional court of the High court every month, except during the long vacation, and such sitting shall begin on the first Monday of the month unless the first Monday is a holiday or is in any vacation; and in any such excepted case the sitting shall begin on the first juridical day thereafter.

(2) Every monthly sitting shall continue from day to day until all the business thereof is disposed of.

(3) The judges of the High Court or a majority of them may arrange in what order the judges of the High Court shall hold the said sittings.

(4) If no arrangement is made, or subject to any arrangement so made, the presiding judge shall wherever practicable be a President of one of the Divisions of the High Court, and the Presidents shall preside at the said monthly sittings successively in order of their seniority; and two other judges of the High Court in rotation and in order of seniority shall be associated with one of the said Presidents in holding every such sittings. (*Vide Judicature Act, sec. 38.*)

(5) A divisional court of the High Court may sit oftener than monthly, and two or more divisional courts of the High Court may sit at the same time, whenever, in the opinion of a majority of the judges of the High Court, the same is necessary for the due dispatch of business.

(6) Nothing in this section is to be construed as preventing any judge from sitting in a divisional court by mutual arrangement, or in the absence of the judge whose turn it may be to sit: and nothing in this Act is to be construed as making irregular any sitting or any proceeding thereat by reason of the court not being constituted as hereinbefore mentioned, provided that the sitting is held by the proper number of judges.

(7) Where a judge has heard a case in a divisional court and is not present at the time of the judgment being delivered his written judgment may be read by one of the other judges of such divisional court, and shall have the same effect as if he were present. (*Judicature Act, sec. 14.*)

#### SITTINGS FOR TRIALS.

Sections 17 to 39 inclusive in force from April 16th, 1895.

17. All non-jury actions in any county may be entered for trial at any sittings of the High Court in such county, except in the county of York.

18. At the sittings of the High Court or assize in any county town there shall

be a general docket in addition to the docket of cases entered for trial, and such general docket may include all motions, petitions, proceedings and other matters which may be heard by a judge in court or in chambers in the cases following, namely: where the solicitors consent, or where the matter in controversy arose in the county, or where the party opposing or showing cause in the matter, or his solicitor resides in the county. Such general docket shall be disposed of after the trial of causes. R. S. O. c. 51, s. 81.

19. No sitting for the trial of causes shall begin before nine o'clock in the forenoon, nor, except for special reasons, extend beyond seven o'clock in the evening, with at least a half-hour's intermission at or near noon. An irregularity under this section shall not render any trial or other proceeding void.

20. In case of a reference by the judge at the trial of any action to a county judge, or to the registrar or deputy registrar, deputy clerk of the crown, local master or other officer of the court, paid wholly or partly by salary of any matter which it would be competent for such a judge to himself try at the said trial, no fees are to be allowed to such referee. This section does not apply to references made in pursuance of the ordinary practice of the court of chancery before *The Judicature Act*.

21. Every action in the High Court shall be tried in the county in which the cause or action arises in case all the parties to such action reside in that county, provided always that a judge of the High Court may, on application by either party to the action, and for good cause shown, order the action to be tried in another county, on such terms as to him may seem proper.

#### WEEKLY SITTINGS AT OTTAWA AND LONDON.

22. Upon the written request of a majority of the practising solicitors resident at Ottawa and London, or either of them, the judges of the High Court may by rule, passed as provided by section 107 of *The Judicature Act*, substitute monthly or semi-monthly sittings in either or both of the said cities, as the case may be, in lieu of the weekly sittings required to be

held under the *Act to facilitate the Local Administration of Justice in certain cases*, passed in the 57th year of Her Majesty's reign, and chaptered 20. Every such rule may be rescinded, altered and restored like other general rules and orders.

#### COUNTY COURTS AND LOCAL JUDGES.

23. Subject to appeal as in other cases, local judges of the High Court shall have jurisdiction over all questions arising under the *Over-Holding Tenants' Act*, and the words "without color of right" in the said Act are hereby cancelled. (R.S.O., cap. 144, sec. 3.)

(2) Section 3 of the said Act is amended by striking out the words "holds without colour of right," and "without any colour of right," wherever the same occur in said section.

(3) Section 5 of the said Act is amended by striking out the words "holds without colour of right" wherever the same occur in said section and substituting therefor the words "wrongfully holds."

24. The Act intitled *An Act to facilitate the Local Administration of Justice in certain cases* is amended by inserting in the 11th section, subsection 5 (a) after the words "local judge" in the fourth line of such subsection the words "or when the solicitors for all parties reside in such county."

25. In case of an order being made by any authority other than that of a judge of the High Court for payment of money out of court, the accountant before acting thereon shall apply to a judge of the High Court for his approval, which he may manifest by signing his initials to the order with or without any other words, and, before approving, the High Court judge, if he sees occasion, may call for any of the papers in the cause, or if necessary require the solicitor who obtained the order, or his agent, to attend before such judge to give any explanation or information the judge may think necessary.

26. No junior judge shall hereafter be appointed for or in any district, county or union of counties, unless the population of the district, county or union of counties exceed eighty thousand, accord-

ing to the official census then last taken, and section 4 of *The Local Courts Act* is amended by substituting the word "eighty" for the word "forty." R.S.O., c. 46, s. 1 (2).

27. The person hereafter appointed to be a judge of a county court shall be a barrister of at least ten years' standing at the bar of Ontario; and section 3 of *The Local Courts Act* is amended by substituting the word "ten" for the word "five."

28. Service out of the jurisdiction of a writ of summons or notice of a writ of summons or other document by which a matter or proceeding is commenced may be allowed by the court or a judge where the action is not for any matter within any of the classes for which service out of the jurisdiction is now provided, but if it appears to the satisfaction of court or judge that the plaintiff has a good cause of action against the defendant upon a contract or judgment and that the defendant has assets in Ontario of the value of \$200 at least, which may be rendered liable to the judgment in case the plaintiff should recover in the action; and if the defendant does not appear the court or a judge is to give any directions which the court or judge from time to time see fit as to the manner of proceeding in the action and the conditions on which the same may be proceeded with, and shall require the plaintiff before obtaining judgment to prove his claim and the amount of debt or damages claimed by him in the action, either before a judge or jury upon an assessment in the usual mode, or in such other mode, having regard to the nature of the case, as the court or judge may direct. R.S.O., c. 50, s. 51, (1877).

29. In case an attachment has been issued, under any order of the Court or a Judge, that any person be committed to gaol for contempt of Court, and there to be detained and imprisoned until such person shall have purged his said contempt, if it be made to appear that such person is in actual custody under such attachment, the Court or Judge may, upon such notice as may be directed, modify and change the order and limit the term of

imprisonment under such attachment, or grant such other relief as may in the nature and circumstance of the case seem just, but any relief that may be granted to any such person shall not relieve him from any civil liability to any other person or persons.

30. The 19th of the Surrogate Rules adopted by the judges of the Supreme Court of Judicature for Ontario is hereby limited to cases in which a party interested in an estate takes proceedings to obtain such inventory and accounting as therein mentioned, or in which infants are interested in such inventory and accounting. See 57 V. c. 22, s 3.

#### WRITS OF EXECUTION.

31. Notwithstanding anything contained in the Act passed in the last session of the Ontario Legislature, entitled *An Act respecting Writs of Execution*, a writ may be renewed from time to time for periods of three years in the same manner as a writ of execution before the passing of the said Act was renewed from year to year; and the word "four" is hereby substituted for the word "two" in sub-section 6 of section 53 of the *The Land Titles Act*, such substitutions to take effect from the first day of January, 1895, except as to any instruments which have heretofore been lodged for registration under the said *Land Titles Act*, 57 V. c. 26; R.S.O., c. 116, s. 53, sub-s. 6.

32. An equity of redemption in shares or dividends of a stockholder in an incorporated bank or other incorporated company in this Province having transferable joint stock shall be liable to be seized and sold under execution; and the *Act respecting Writs of Execution* is hereby amended by inserting after the word "stockholders" in the first line of section 9 of the said Act the words "or any equity of redemption in any such shares or dividends," and the following sub-section is added to section 16 of the said Act: "(2) The words 'goods and chattels' in this section mean and include shares and dividends of stockholders in any incorporated bank or other incorporated company in Ontario having transferable joint stock." R.S.O., c. 64, ss. 9 to 16; 57 V., c. 26. *Morton vs. Cowan*, 25 Ont., 529.

## DISTRICT COURTS.

*Mechanics' Liens.*

**33.** The procedure for enforcing mechanics' liens where there is no county organization shall be in the district court of the district, and the Act intituled *An Act to simplify the Procedure for Enforcing Mechanics' Liens* shall be read as if in the second section thereof the words "or district" were inserted therein after the word "county," and as if in the thirty-second section the words "or district court of the district" were inserted after the word "county," and as if corresponding words were inserted in form eleven in the said Act.

*Rainy River District.*

**34.—(1)** The Lieutenant-Governor may appoint a district attorney for the district of Rainy River who shall keep his office at Rat Portage.

(2) The said district attorney shall perform in cases arising within the district of Rainy River all the duties required to be performed by county crown attorneys under and in pursuance of the *Act respecting County Crown Attorneys*, or any Acts amending the same, or in pursuance of regulations made thereunder. R. S. O. c. 79.

**35.** The gaol or lock-up at Sudbury shall be a gaol for Nipissing and Algoma.

## SOLICITORS.

**36.** In case a solicitor resides in some part of a county other than the county town, and has not an office in the county town, he may enter in the solicitors' and agents' book kept by the deputy registrar, deputy clerks of the Crown or local registrar the name of an agent, being a solicitor of the Supreme Court and having an office in the county town upon whom may be served all writs, pleadings, notices, orders, warrants and other documents, and written communications in relation to proceedings conducted in the office of the local master, deputy clerk, deputy registrar, or local registrar of the county.

**37.** So much of the 35th and 36th sections of the *Act respecting Solicitors* as relate to the costs of the reference are hereby repealed, and such costs shall hereafter be in the discretion of the court or

judge or of the taxing officers subject to appeal. R.S.O., c. 147.

**38.** It is hereby declared that sections 49 to 52 of the *Act respecting Solicitors* were intended to apply and do apply to all business by solicitors connected with sales, purchases, leases, mortgages, settlements and other matters of conveyancing. (See 49 Vict. c. 20, sections 21-23; R.S.O., c. 147.)

**39.—(1)** In lieu of personal service of a subpoena on a party for his examination, service of an appointment upon his solicitors will be sufficient if made seven days before the day appointed for the examination; and the conduct money may be paid or tendered to the solicitor.

(2) In every such case the solicitor shall forthwith communicate the appointment to the party so required to attend, and shall not apply the money to any debt due to the solicitor or any other person, nor pay the same otherwise than to such party for his conduct money, nor shall the same be liable to be attached.

(3) Notwithstanding anything in this section hereinbefore contained, the party to be examined may be served personally with a subpoena as heretofore, in case the party desiring the examination so chooses.

## STENOGRAPHER'S CHARGES.

**40.—(1)** To provide a fund to enable a reduction to be made to litigants for copies of evidence taken in shorthand at trials or references, a fee of \$1 shall be paid in every civil case entered for trial to the officer of the court who enters the same, and the latter shall keep a list of such cases duly entered in a book to be kept for the purpose, and shall within 48 hours after the closing of the sittings of the court make a return to the officer to be appointed for that purpose by the Lieutenant-Governor in Council of the actions so entered for trial, and of the money so paid thereon, and shall certify that the sum therewith returned is the full amount so paid to him on account of the cases entered at such sittings. The said last named officer shall keep an account thereof in a book to be kept for the purpose under the head of Shorthand Reporter's Fund, and the same shall be paid out and applied in connection with such reporting

in such manner as the Lieutenant-Governor in Council may from time to time by order provide.

(2) The Lieutenant-Governor in Council may make rules and regulations fixing the fees and charges of and payments to special examiners and stenographers and others entitled to take examinations for taking examinations for discovering or cross-examinations in the High Court and County Court, and for copies of such examinations or cross-examinations.

#### RULES OF COURT.

(In force from April 16th, 1895.)

41. Subject to the provisions of this Act, there shall be the same powers of making general rules and orders with reference to the matters in this Act mentioned as *The Judicature Act* provides for with reference to the matters therein in that behalf mentioned. (*Judicature Act*, ss. 105 to 108.)

42. The Lieutenant-Governor in Council may appoint some competent person or persons to devise and frame such general rules as may be necessary or useful for carrying out and giving effect to the provisions of this Act, and also if he sees fit to consolidate, or to revise and consolidate, all the rules of practice of the High Court, or of the High Court and Court of Appeal, as the case may be; and the rules so prepared, if approved by the judges of the Supreme Court or by the Lieutenant-Governor in Council, or such of the said rules as may be so approved, shall go into effect at such time as the said judges or the Lieutenant-Governor in Council shall direct.

#### ENACTMENTS REPEALED OR AMENDED.

43. Sub sections (3) and (5) of section 62; sections 44, 63, 66, 67, 69, 70, 71 and 72 of *The Judicature Act* are repealed.

44.—(1) The following is substituted for section 41 of *The County Courts Act*:

1. Any party to an action in a county court may appeal to a divisional court of the High Court of Justice from any judgment directed by a judge of a county court to be entered at or after the trial in any case tried by him either with or without a jury.

2. Instead of appealing to a divisional court of the High Court of Justice either party may move before the county court within the first two days of its next quarterly sittings for a new trial, or to set aside the judgment and enter any other judgment upon any ground.

3. A motion for a new trial on the ground of discovery of new evidence or the like shall be made before the county court.

4. If a party moves before the county court under clause 2 in a case in which he might have appealed to the High Court he shall not be entitled to appeal from the judgment of the county court to the High Court, but the opposite party shall be entitled to appeal therefrom to the High Court.

(2) Section 42 of the said Act is amended by striking out the words "The Court of Appeal" where those words occur in said section, and by substituting therefor the words "A divisional court of the High Court of Justice."

(3) Section 43 of the said Act is amended by striking out all the words after the word "thereon" in the third line thereof.

(4) Section 44 of said Act is repealed and the following substituted:—

44. On an appeal the divisional court may set aside any judgment which may have been directed to be entered or may have been signed, and direct any other judgment to be entered or direct a new trial to be had and make any other order as to them may appear requisite and just.

(5) Section 51 of the said Act is amended by striking out the words "Upon the bond being so approved or the deposit being paid into court" in the first and second lines thereof; and by striking out the words "the Court of Appeal," in the third line and substituting therefor the words "the proper officer of the High Court."

(6) Section 52 of the said Act is amended by striking out all the words from the beginning down to and inclusive of the word "court" in the fourth line thereof, and by substituting therefor the words



"The appeal shall be set down for argument at the first sittings of a divisional court of the High Court of Justice, which commences after the expiration of one month from the judgment, order or decision complained of and the divisional court."

(7) Sections 41, 46, 47, 48, 49, and 50 of said Act, and the Act passed in the 53rd year of Her Majesty's reign and intitled *An Act to amend the County Courts Act*, and the Act passed in the 54th year of Her Majesty's reign and intitled *An Act to reduce the cost of Appeals from the County Courts to the Court of Appeal*, are hereby repealed. 53 Vict., c. 16.

45. Section 33 of *The Surrogate Courts Act* is amended by striking out the words "to the Court of Appeal" in the heading before section, and by striking out the words "Court of Appeal" in the sixth line of said section, and by substituting therefor the words "a Divisional Court of the High Court" and by striking out the words "or to a single judge of such court" in the 6th and 7th lines, and the words "of Appeal or judge" in the 10th line, and all the words of said section after "\$200" in the 14th line. R.S.O., c. 50, s. 33.

46. Section 19 of the *Act respecting Infants* is amended by striking out the words "the Court of Appeal or judge thereof" in said section, and by substituting therefor the words "a Divisional Court of the High Court of Justice." R.S.O., c. 137, s. 19.

47. Section 148 of the *Division Courts Act* is amended by striking out the words "the Court of Appeal" wherever the same occur in the said section, and substituting therefor the words "a Divisional Court of the High Court of Justice," and by striking out the words "and the giving and perfecting of security." (R.S.O., c. 51; 51 Vict., c. 10.)

(2) Section 149 of the said Act, and the Act passed in the 53rd year of Her Majesty's reign and intitled *An Act to amend the Division Courts Act*, are repealed. 53 Vict., c. 19.

(3) Section 151 of the said *Division Courts Act* is amended by striking out the following words at the beginning thereof,

viz: "Upon the bond being approved by the judge or the deposit being paid into court."

(4) Section 152 of the said Act is repealed and the following substituted therefor:—

152. The appellant shall, within two weeks after the date of the decision complained of or at such other time as the judge of the said County Court may by order in that behalf provide, file the said certified copy with the proper officer of the High Court and shall thereupon forthwith set down the cause for argument at the first sittings of a Divisional Court which commences after the expiration of one month from the decision complained of, and shall give notice thereof and of the appeal and of the grounds thereof, to the respondent, his solicitor or agent, at least seven days before the commencement of such sittings; and the Divisional Court shall have power to dismiss the appeal or to give any judgment and make any order which ought to have been made, and shall give such order or direction to the court below touching the decision or judgment to be given in the matter as the law requires, and shall also award costs in its discretion which costs shall be certified to and form part of the judgment of the court below, and upon receipt of such order, direction and certificate, the court below shall proceed in accordance therewith.

(5) The following words at the end of section 153 of said Act are struck out, viz: "Section 156 of *The Judicature Act* shall not apply to appeals made under this Act."

48.— 1) Sections 31 and 34 of *The Unorganized Territories Act* are amended by striking out the words "the Court of Appeal" where the same occur therein and substituting the words "a Divisional Court of the High Court of Justice." R.S.O., c. 44, s. 44; R.S.O., c. 47, s. 40; R.S.O., c. 91, s. 53.

(2) Section 33 of said Act is repealed.

49. Section 15 of the *Act respecting Water Privileges* is repealed and the following substituted:—

15. Subject to the provisions herein-after contained, there shall be an appeal from the final order or judgment of the

County Judge on any application under this Act, to a Divisional Court of the High Court of Justice; the decision of the County Judge upon a question of fact or other question shall be open to revision on such appeal.

(2) Section 16 of said Act is amended by striking out the word "said" in the second line thereof and substituting therefor the word "High." R.S.O., c. 119.

(3) Section 18 of said Act is amended by striking out the words "or Judge" in the second line thereof.

50. Section 119 of *The Liquor License Act* is amended by striking out the words "the Court of Appeal" in the second line thereof, and by substituting therefor the words "a Divisional Court of the High Court of Justice," and by striking out the words "Registrar of the Court of Appeal" in the 19th and 20th lines of said section and substituting the words "proper officer of the High Court of Justice." R.S.O., c. 194.

51. Section 15 of the *Act for Protecting the Public Interest in Rivers, Streams and Creeks* is hereby repealed and the following substituted therefor:—

15. In case a party interested is dissatisfied with the order or judgment of the judge or stipendiary magistrate, he

may within 15 days from the date thereof appeal from the order or judgment to a Divisional Court of the High Court; and a judge of the said court shall determine the time within which the appeal shall be set down to be heard, the security (if any) to be given by the appellant, and the persons upon whom notice of the appeal shall be served, the manner of service, and all such other matters as he may deem necessary for the most speedy and least expensive determination of the matter of the appeal. R. S. O. c 120.

(2) Section 17 of the said Act is amended by striking out the words "Judge to whom" in the second line and substituting the words "Court to which," and by striking out the words "the Judge to whom the appeal is made" in the third and fourth lines and substituting the words "a Judge of the High Court as aforesaid be."

#### APPLICATION OF THIS ACT.

52. This Act shall be read as part of *The Judicature Act* and the Acts amending the same, so far as this Act affects any of the provisions of the said Act or Acts; and shall also be read as part of the several other Acts hereinbefore mentioned, so far as this Act affects any of the provisions of the said several other Acts.

#### A FAIR ATTORNEY.

Alas, the world has gone awry  
 Since Cousin Clara entered college,  
 For she has grown so learned, I  
 Oft tremble at her wondrous knowledge.  
 Whene'er I dare to woo her now,  
 She frowns that I should so annoy her,  
 And then proclaims with lofty brow,  
 Her mission is to be a lawyer.

Life glides no more on golden wings,  
 A sunny waif from Eldorado,  
 I've learned how true the poet sings  
 That coming sorrow casts its shadow.  
 When tutti-frutti lost its spell,  
 I felt some hidden grief impended,  
 When she declined a caramel,  
 I knew my rosy dream had ended.

She paints no more on China plaques,  
 With tints that would have crazed Murillo,  
 Strange birds that never plumed their backs,  
 When Father Noah braved the billow.

Her fancy limns, with brighter brush,  
 The splendid triumphs that await her,  
 When in the Court, a breathless hush  
 Gives homage to the keen debator.

'Tis sad to meet such crushing noes  
 From eyes as blue as Scottish heather,  
 'Tis sad a maid with cheeks of rose  
 Should have her heart bound up in leather.  
 'Tis sad to keep one's passion pent,  
 Though Pallas' arms the Fair environ,  
 But worse to have her quiting Kent,  
 When one is fondly breathing Byron.

When Clara's licensed at the law,  
 Her fame, be sure, will live forever,  
 No barrister will pick a flaw  
 In logic so extremely clever.  
 The Sheriff will forget his nap,  
 To feast upon the heavenly vision,  
 And e'en the Judge will set his cap  
 At her, and dream of love Elysian.

# The Barrister.

PUBLISHED MONTHLY.

All literary communications, exchanges, and books for review, should be addressed to THE BARRISTER, 97, 98, 99 Confederation Life Building, Toronto, Canada.

Address all business communications to The Law Publishing Company, of Toronto, 97, 98, 99 Confederation Life Building, Toronto, Can.

TORONTO, APRIL, 1895.

MR. AWREY'S Bill amending the assessment Act so as to allow all vacant land of two acre lots and more in incorporated towns and cities to be assessed as farm lands, was the most astonishing piece of legislation ever passed by the Ontario Legislature. There is not probably another Legislature under the British flag that would have passed such an Act. There is now no doubt that there is a law for the rich and another for the poor.

\*

WE would advise the Government in clearing up the University to establish a Lectureship on pulls, and give scholarships in connection with this department,—as it is too bad that many brilliant young men are handicapped in the race of life in this province, owing to their imperfect knowledge of pulls. A man that has not a pull with the government or a corporation or a society now a-days is lamentably out of the race; you are liable to founder him to try and rush him into competition with the men who work the pull.

\*

It seems strange that a large body of men who, from their training,

should be keen and alive to their own interests, should sit idly by and see five per cent. cut up the other ninety-five. True, it has been done in other walks of life, but that was on account of the gross ignorance of the down-trodden; while in law that is not the reason. It would appear to arise from the fact that each one feels he can do nothing himself and so lets it go, while if they would only combine and form a Provincial Bar Association they would have no difficulty in righting many ills they are now suffering from. This want of combination, this keeping alone, is in no small degree making the profession Ishmaelite.

\*

WHILE hard times have probably affected all classes, we believe no class are suffering so much as lawyers to-day,—and after careful investigation, we are forced to the opinion that this is not due so much to the general state of trade as it is to their own lack of interest in legislation. It is probable that the incomes of ninety per cent. of the profession do not average \$600 a year, while fifteen years ago the average was about \$1,000. Since then the whole trend has been to simplify proceedings, and lessen the solicitor's fees and increase enormously the counsel fees—so that it has come to this at the present time that hundreds of solicitors throughout the country are working for less than bricklayers and carpenters, that they may thereby be able to feel and know that a few counsel in Ontario are receiving princely incomes.

\*

THE session has been unusually prolific in legislation on a variety of sub-

jects. Elsewhere in the present issue will be found a short synopsis of a lengthy Act, relating to the law of insurance. Other Acts deserve more than a passing reference, and are, therefore, reserved for another occasion. In the short statute, respecting the legal meaning of expressions relating to time, we notice a curious inaccuracy. The Act provides that expressions of time in any Act, etc., shall be held to be not *solar* time, but what is commonly known as eastern standard time, etc. It is obvious that this ought to be "*mean solar* time." For solar time is sun dial time, while mean solar time is solar time corrected, *i.e.*, is clock time for the particular meridian. Therefore, when it was intended to refer expressions of time to standard time, the true alternative was "*mean solar*" time, and not "*solar*" time. For nowhere in Ontario has "*solar*" time been kept.

We hope that at the ensuing session of Parliament the question of retiring the Supreme Court judges at seventy years of age will be taken up again and passed. We believe this should be extended to the judges of all courts. While no doubt some men are bright and vigorous at seventy, the vast majority cannot go on after that age giving the same arduous and sustained mental thought, and certainly it can be no hardship to judges to retire them at that age. For the few remaining years, they should require the quiet and comforts of private life. But, while it is optional with them to retire or not, and by so doing they lose one-third of their income, as they do now, we will never have them

retire. It must be made compulsory. If it is felt to be a hardship to compel them to retire on a two-thirds allowance, then retire them on full allowance. We believe we voice the opinions of three-fourths of all the lawyers in Canada, when we say all judges should be retired at seventy.

\*

We would urge most strongly on the profession to use all their influence with the members of Parliament and the Government in securing the passage of a Bankruptcy Act at the present session. In our opinion there is no one act which would so benefit trade and law as a Bankruptcy Act. Thousands of men are hopelessly in debt in Canada at the present time, and they can see no future for them. There is no encouragement for them to work, and besides no one will give them credit. But if they could get a discharge it would give them hope and confidence, and besides, many of them would be able to get credit and would go on and do well. It is safe to say that forty per cent. of the work done by lawyers is never paid for. While, if a Bankruptcy Act is passed, many will at once avail themselves of it, which will at once give business to lawyers, and although many of these may not have any work, once they get their discharge the lawyer will be pretty sure of getting his account, which he is not now.

\*

This month, we have given up a large share of our space to the text of *The Law Courts Act, 1895*. This measure, and its companion Act, *The Judicature Act, 1895*, are far-reaching in their effect; indeed, the scope can

scarcely be entirely foreseen at present. Some twenty-five sections of *The Law Courts Act* came into operation at once; these we have specially noted. The remainder of the Act and the Judicature Act, will come into effect by proclamation, after the 1st September next. The profession should now carefully examine the Acts, and if difficulties are found to exist, they should be brought forward now, to the end that the proclamation might be delayed until after a further session of the Legislature. If nothing is found serious enough to make it worth while pressing upon the notice of the Government, the Government will be right in proclaiming the Act in force immediately after the 1st September. As to this measure, therefore, the profession has an opportunity to criticize now, and objections should not be heard for the first time after the proclamation.

\*

*On dit* that Messrs. Holmsted and Langton, well-known as the co-authors of the exceedingly useful commentaries on the Judicature Act and the consolidated rules made thereunder, have a new edition already far advanced. The Legislature contemplated, when putting through *The Law Courts Act, 1895*, the appointment of a commission to consolidate the rules of practice. The profession would welcome a new consolidation. The practice is the crux of modern litigation. More than one-third of all the points raised for decision are on practice, and to many solicitors the practice has become truly formidable. Much of the authors' work will undoubtedly be to do over again, but it

is one of the mischances of authorship in Ontario to have the Legislature upset work laboriously prepared. We seem to live in an age of unceasing experiment in legislation. It would be a graceful as well as merited compliment to add the authors to the commission, and it would prove advantageous to the work of the commission to have the benefit of Messrs. Holmsted and Langton's experience. In this way also the editors' work could keep abreast of the work of the commission, and the profession would have the advantage of the new consolidation thoroughly annotated at the time of its coming into force.

\*

ANOTHER important undertaking on foot is a consolidated Ontario Digest, to be issued from the press of The Carswell Co. (Ltd). The editors' work is sufficiently forward, it is understood, for the first part to appear in September. The scope of the Digest includes the cases digested in Robinson & Joseph, and in the Ontario Digest, together with all the cases to date. The number of headings is largely increased, and special attention will be devoted to topics (*e.g.*, Company Law), of current importance. It is proper that a new Digest should be prepared instead of issuing merely a supplementary volume. The labor of examining several Digests will be avoided, and, if the editors perform their part properly, the Digest will not consist of a reprinting of head-notes. It is a waste of space in a great many instances to copy faithfully the statement of facts contained in the head-note as introductory to the particular point decided, nor does

the head-note usually refer to all the points decided. The work in Robinson & Joseph was very well done, but inevitably that Digest contains much obsolete law which could now be dismissed with reference only to the cases. The supplementary volume has always seemed to us disappointing. The extraordinary number of headings that are introduced, only to make reference to other headings, detracted from the usefulness of the work, and the editors felt themselves too much bound by the arrangement of the older Digest. The arrangement can be much improved, and the headings ought, in the new Digest, to be rewritten to correspond with modern law. Cross-reference is decidedly useful, but it should not be pushed to the extreme of padding. The profession will watch with much interest for the appearance of the first part of the new venture, and if the work is well done, it will meet with a good reception.

---

#### NOTES OF RECENT ENGLISH CASES.

---

MAN and woman living together enter into a deed of separation, with a covenant to pay an annuity to the woman during her life, or so long as she should not molest the man, and subsequently resume cohabitation?

In *re Robbeth vs. Donaldson*, Times L. R. 245 (Court of Appeal, Lord Holsbury, Lindley and Smith, J. J.), held that the court could not imply a proviso that the annuity should cease if cohabitation should be renewed; moreover, such a proviso, if expressed in the deed, would be void. The annuity was consequently still payable.

INTERROGATORIES fully and fairly answered, can discovery and inspection of the business books of the other party be obtained?

Atty—Gen. *vs.* North Metropolitan Tramway Co. The Court of Appeal (Lindley and Smith, L.J.J.), L. T. 450, affirming the decision of Mr. Justice North, held that to compel a rival trader to produce his books in such a case would be vexatious and oppressive.

\*

SLANDER imputing misconduct in a public office of trust is actionable without proof of special damage?

Booth *v.* Arnold—The Court of Appeal (Lord Esher, Lopes and Rigby, L.J.J.), Times L.R. 246, held that the action was maintainable without proving special damage, although the office was not one of profit.

\*

If one of two joint tort-feasors is punished criminally, the other is not relieved from civil liability?

Dyer *v.* Munday. The Court of Appeal (Esher, M.R. Lopes and Rigby L.J.J.), Times I R. 282, held that the other tort-feasor was not relieved from liability.

\*

If a business is turned into what is practically a "private limited company," the vendor retaining the entire pecuniary interest in and control over it, and the company is wound up, will debentures taken by the vendor to cover unpaid purchase-money be allowed to rank in priority to the claims of unsecured creditors?

Broderip *v.* Saloman & Co. (Times L.R. 238). No, said Vaughan Williams, J., H.C.J., holding that in such a case the business remained the ven-

dor's, and no one else's; that the company was the vendor's agent, and that the vendor was bound to indemnify that agent (the company) in respect of claims made upon it.

\*

Is malicious interference resulting in the dismissal of workmen actionable?

Flood and others *vs.* Jackson and others (Times L.R. 276). Mr. Justice Kennedy, H.C.J., held that any malicious disturbance of another in his calling or business causing him damage is actionable, whether it induces a breach of contract or whether, without inducing a breach of contract, it tends to deprive the other of employment, present or future.

\*

If property is given trustees to pay the income to A. for life for her separate use, and the property is to be handed over to A.'s appointees by will, and in default of appointment the property is given to A.'s executors, administrators and assigns, is A. absolutely entitled to the property?

*Re Turner v. King.* Yes, said Kekewich, H.C.J., and on releasing the power A. is entitled to have the property handed over to her, since in such a case, owing to the Married Women's Property Act, 1882, the life interest coalesces with the reversionary interest directly the power is released. (64 L.J. Chy. 252.)

\*

If A. has the sole right of performing a drama in the United Kingdom and all other countries, will the court, by injunction, restrain B. from performing the drama in public in Germany?

"Morocco Bound" Syndicate *v.* Harris and Chamberlain (Times L.R. 254). No, said Kekewich, J.; the injunction must be obtained in Germany. He had no jurisdiction to enforce German law.

\*

**LIBEL.** — Corporation — Privileged occasion—Statement exceeding privilege. *Nevill v. The Fine Arts Insurance Company (Lim.)*

The defendants (a corporation), for their own benefit, published in a circular letter a statement which was false and calculated to injure the plaintiff, upon an occasion which was privileged for the making of a necessary and proper statement; but the occasion did not justify the corporation in making a portion of the statement.

Pollock, B., Q.B.D., March 4th, held that the libel was, apart from any question of malice, a wrongful act in furtherance of the defendants' interest, for which, as for other wrongful acts, the defendants were liable, although a corporate body.

#### INSURANCE NOTES.

The bill respecting the Insurance Law introduced into the Legislature at the session just brought to a close, is now to be known as 58 V., c. 34.

\*

The first feature worthy of notice is the further authority claimed by the province over Insurance contracts. Heretofore it was a matter of course to let loose any concern to do business in Ontario, upon proof that the Dominion Insurance department had authorized it under the Insurance Act of Canada. Now, however, the On-

tario officer is invested with a discretion to refuse to admit the Dominion empowered corporation to transact business in the province. The province has long claimed, not merely concurrent but exclusive jurisdiction over the contract of insurance made, or to be made, within the province, and the jurisdiction seems to be clearly settled by the Privy Council decision. As Manitoba and the other provinces are following in the wake of Ontario, the value of a Dominion license will be somewhat shadowy. For the company must, after all, deal with the various provincial authorities. The issue has been hurried on by the action of the Dominion Parliament in incorporating such concerns as the Canadian Order of the Woodmen of the World, after registry had been refused in Ontario. As was pointed out by the Provincial Secretary on the second reading of the New Insurance Act, it was idle to refuse registry at Toronto, when the rejected could prevail upon the Ottawa powers to incorporate them, and let them go depositless, and without safeguard, under the clause of the Insurance Act of Canada relating to assessment insurance by societies. In the *Canada Gazette* there is a long list of applications for similar incorporations. It is in the interests of legitimate insurance that the province has put up the bars.

\*

Numerous minor amendments are made in the text of the Insurance Corporation Act, 1892, such as experience in the working of that Act has suggested. It is now made clear that the legislature did not intend to restrict

Ontario corporations territorially to the province, but the corporation may undertake contracts elsewhere by the consent, comity, or acquiescence of the province or state where such contracts of insurance are undertaken (s. 5 (5)). Appeals from convictions for breach of the Act now lie only to a Divisional Court of the High Court (s. 5 (9)). Remedies parallel with those provided by the Directors' Liability Act are enacted applicable to trustees and managing officers of Friendly Societies (s. 5 (10)).

\*

Regularly, when a policy of life insurance is before the Court for construction, the point has been raised that the application, because it has not been reprinted on the policy, cannot be read as part of the contract. To make the law clear, a declaratory section is added to sub-section 1 of section 33 of the Insurance Corporation Act 1892, as follows:—

“But nothing herein contained shall exclude the proposal or application of the insured from being considered with the contract, and the Court shall determine how far the insurer was induced to enter into any contract by any material misrepresentation contained in the said application or proposal.”

\*

The effect of sub-section 1 of section 34 of the Insurance Corporation Act, 1892 (which provides that an unintentional misstatement as to the age of the applicant should not avoid the policy) is now very properly limited to cases where the contract does not expressly limit the insurable age. Where the actual age of the applicant



exceeds the insurable age, the company may now, within thirty days after the error in age comes to its knowledge, cancel the policy.

The major part of the Act is occupied with new machinery for the winding up of unregistered Provincial corporations. The simple machinery provided seems to be workable, and, if proved so by actual experience, will undoubtedly largely reduce the cost of a winding up. The claims of the members are individually so small, and the assets are usually so meagre, that it has been found that the costs of liquidation are out of all proportion to the amounts returned to the members. The certificate holders of the corporation are not now required to come in and prove their claims except in the case of dispute. The Receiver is required to schedule in three several groups the creditors (ordinary as well as insurance) of the concern; these schedules are to be compiled from the books of the corporation. In the absence of contestation, the schedules, when approved by the Local Master, without personal appearance, entitle the named creditors to rank as per schedule. In many assessment concerns, the contributories are the members who are subject to assessment. The amounts recoverable are usually small; new machinery is provided for a certificate under the hand of the Local Master to have the effect of a transcript of judgment to the proper court. In this way the expenses of a multitude of proceedings are avoided, and a certain and inexpensive method of getting in the assets provided. It will prove very advantageous in the

winding up of insurance corporations, if experience demonstrates the feasibility of the procedure now provided.

\*

Several vexed questions as to varying and reapportioning insurance moneys made a trust fund for wives and children are now settled by Section 12, which is as follows:—

**12.** Section 6 of Chapter 136 of the Revised Statutes of Ontario, as amended by section 3 of an Act passed in the 51st year of Her Majesty, and chaptered 22, and by section 6 of an Act passed in the 53rd year of Her Majesty, and chaptered 39, and by section 8 of an Act passed in the 56th year of Her Majesty's reign, and chaptered 32, is hereby amended by adding at the end of sub-section 1 the following words:—

“And whatsoever the insured may under this section do by an instrument in writing attached to or indorsed on or identifying the policy, or a particular policy or policies, by number or otherwise, he may also do by a will identifying the policy or a particular policy or policies by number or otherwise.

“‘Apportion’” or Apportionment in this section includes and authorizes any division, sub-division, or re apportionment, or disposition of insurance money or benefits among any of the class of persons who under this or any amending Act are entitled to be preferred to creditors of the assured; and also includes any disposition of the said moneys or benefits such as partly or wholly to divest the right, or to enlarge or diminish the interest of a beneficiary or beneficiaries acquired under any prior disposition of the said moneys or benefits, or such as to substitute one beneficiary of the said class for another or others or all others, or conversely.

“ Provided that the assured shall not by virtue of this section be authorized to divert the said moneys or benefits from all of the said class to a person not of the said class, or to the assured himself, or to his estate; or to

divert the said insurance moneys or benefits, or any part thereof, from the original beneficiary, when the policy expressly states that that beneficiary was a beneficiary for valuable consideration.”

## LAW SCHOOL DEPARTMENT.

### OSGOODE HALL AND LAW SCHOOL NOTES.

THE law school will close on Thursday, April 25th. The students are now busy working hard for the examinations, which are as follows:

#### FIRST YEAR:—

Pass, May 9 and 10.

Honors, May 13 and 14.

#### SECOND YEAR:—

Pass, May 9, 10, 11, 13.

Honors, 14, 16, 17, 18.

#### THIRD YEAR:—

Pass, May 9, 10, 11, 13, 14.

Honors, May, 15, 17, 18, 20, 21, 22.

All the results will be announced on Wednesday, June 5th.

A NUMBER of the students of the Law School intend writing on the LL.B. examinations at Toronto University, commencing on Monday, April 22nd. Several are also preparing themselves for the B.C.L. examinations at Trinity in June.

A CRICKET club has been formed at the Hall with the following officers.

Hon. Pres.—Mr. Justice Street.

President.—E. D. Armour, Q.C.

Secretary.—A. F. R. Martin.

Committee.—S. C. Wood, J. M. Lang and W. R. Wadsworth.

Practice will be held on the Osgoode Lawn, and several inter-collegiate matches are being arranged for.

The annual meeting of the Tennis Club will be held early next month.

\*

THE students of the second and third years have petitioned the Benchers to have only one paper a day—the pass paper to be written on in the morning, and the honor paper on the same subject in the afternoon. This will give those who remain in offices up to the end of the school term a chance to read. The Principal and examiners have, it is said, taken a favorable view of it, and it is hoped the changes will be made from the time table as first announced. All the students of the second year pass and honors signed the petition.

\*

MR. HOYLES, Q.C., the popular Principal of the school, has been always most courteous and obliging to the students. His lectures are full, clear, and well worked up, and favorable comment on them is heard on all sides from the students in general. The Benchers are to be congratulated on having secured so able and efficient a principal. Under the guidance of Mr. Hoyles the school enters on an

era of continued efficiency and prosperity.

\*

THE following sports was unfortunately crowded out of last month's issue. It is rather late in appearing; but better late than never:—

#### HOCKEY NOTES.

THE final match of the O.H.A. was won by Queen's, as was expected. Outside the Winnipeg, the champions were the best aggregation of hockey-ists seen here this year. Their players are all men over 21 years of age, and are strong, well built, good all-around athletes. Their overplus of weight also tells as much in hockey, as it does with them in football. We had nothing in Toronto during the past season that could touch them, and it is doubtful if we could have got together a picked septette from the strongest city teams, that could defeat them.

\*

TRINITY'S plucky little team did splendidly against such formidable and weighty opponents, and deserved fairer, more sportsmanlike, and more gentlemanly treatment at the hands of "*Ye Editor*." As in municipal affairs, so it has proved in hockey matters, that the Toronto press can see good anywhere and everywhere except at home. Of Trinity men, it may be said that they have always shown themselves to be true sportsmen. They have done good work for the various college games, notwithstanding their uphill work, and the small numbers they have to draw from for players. Some of the best sports in this country graduate from Trinity. Their work at hockey this season is com-

mendable, and deserved fairer treatment at the hands of the city dailies. The *Berlin Daily News*, and the *Hamilton Times*, *Spectator* and *Herald* spoke very well of Trinity's team. Trinity defeated Barrie, Hamilton, Ayr and Osgoode Hall, and thus earned the right to enter the finals with Queen's, and were not so badly beaten by this team as was Varsity. The *Trinity Review* asks for fair play all around; and we hope that the daily press will be more careful and fairer, in seeing that no injustice is done. McMurrich, Douglas, Temple and Senkler are promising and rising young hockeyists, who have made a name for themselves this season, and whom rumor says are to wear the black and white at no distant day. Each year Trinity has contributed its quota to aid the black and white, on field and ice. And we are glad to have an opportunity of resenting the unfair criticism meted out to our sister collegiate team. As a result of all the adverse criticism, 'Rastus, the Trinity mascot, has lost his job.

\*

SPORTS are almost dead about the Hall at present. The steady grind for examinations takes the place now of hockey matches in the evenings. Much midnight oil is being consumed.

\*

It is said that Osgoode will receive a strong sporting delegation from Varsity, Trinity and Queen's next September. This ought to give us a winning football team once more.

\*

"COLLEGE mascots are born, not made." 'Rastus, de colored boy ora-

tor and mascot of Trinity fame, evidently thought so when he saw Trinity in de finals. 'Ras is a dignified chap, and thought he had struck a tolerably steady job, until the Queen's element struck town and blighted his hopes. The fates decided that 'Ras had lost his usefulness, and he has accordingly lost his job.

---

LITERARY SOCIETY NOTES.

---

THE literary society has closed for the season, and no more meetings will

be held until October. The 'At Home' usually marks the close of the season's work in our society.

\*

O. M. ARNOLD, of Arnold and Irwin, is receiving congratulations on the fine, healthy triplets with which his wife has just presented him.—*Toronto Mail*.

"Them lawyers is useless, produce nothing at all,  
Keep saying their Patron traducers,  
When this item they see, they'll have to agree,  
Them lawyers is ginwine producers."

---

VIVE BRAINS!

---

HE was a corporation lawyer, a regular top-sawyer,  
He worked for corporations day and night;  
Their cases he defended, and all their laws  
amended,  
By legislation in and out of sight.

There was nothing too intricate for him in time to  
pick it,  
In the complicated statutes of his day;  
He rubbed a little soap on each 'law-lock which  
flew open  
On pliant hinges this, or tother way.

For the hinges hung obedient for this or that  
expedient,  
A change of way depended on the fees;  
On the requisite petition to uttermost demnition  
He'd fling a corporation with vast ease.

## BRIEFS FROM EXCHANGES.

WHERE HE MISSED IT.—“And papa, what did grandfather do for his country?”

“Nothing whatever, my son. He was a member of the senate.”

\*

WEBSTER'S BOY, DANIEL.—“Fame!” echoed Mr. Waterson, “I never hear the word that I do not think of Daniel Webster's story of the time he met an old gentleman in a railway car, and, learning that he was from New Hampshire, thought he would draw him out a little about the old home state. A little more conversation showed that the stranger came from Mr. Webster's native town. Here was an opportunity not to be lost.

“Did you ever hear of the Webster family there?” asked the statesman.

“Oh, yes; I knew them very well. the old man and I were great friends.”

“Ah! then you can probably tell me what became of the boys?”

“Well, Ezekiel became a big lawyer—the biggest lawyer, I guess, in all New Hampshire. The girls, too, turned out well.”

“You don't say so: and wasn't there a boy named Daniel?”

“The old man pondered a minute before he answered.

“Now, I come to think, there was a boy named Dan'l, but he went down to Boston years ago, and no one ain't heard of him since.”

\*

THE LOWER FOUR HUNDRED.—Little Miss Backcourt—Don't you dare speak to me. Youse don't belong in our set any more. Youse is just no-

bodies. Your dad has been sent up for larceny.

Little Miss Allaway—Huh! Your dad is there, too.

Little Miss Backcourt, haughtily—The charge agin my dad was grand larceny.

\*

EX-JUDGE PREFERRED.—The following advertisement appeared in a recent issue of the *Law Bulletin*:

Wanted Partners.—An Attorney with a law business susceptible of great development, desires two associates; one to be a good practitioner, the other a good poser and advertiser with a limited knowledge of the law. An ex-judge preferred for the latter position. Answers treated as confidential.

What does it mean? Wanted a 'good poser and advertiser with a limited knowledge of the law; an ex-judge preferred'—is this a springle to catch woodcocks? Is it a satire upon existing methods in the legal profession in the United States? Or is it, can it be, possible that the law there has become a mere trade whose followers are willing to sacrifice dignity to dollars and pride to pelf?

We confess we do not understand it at all. Our respect for the lawyers has been great. We have supposed that they look upon fees as rewards for duty rather than as the price of work. We have thought they were animated by a desire, lofty, severe and all-powerful, to promote justice rather than by an itch for money. We have believed that they considered the law

their mistress rather than their servant. We have regarded them as noble, self-sacrificing spirits, who, almost alone among us, were above the use of catch penny devices.

We can congratulate ourselves in this country that we have not the United States method of electing judges for a term.

\*

WE quote the following to show how far below Canadian is the United States training for lawyers:—

Unfortunately the American bar of to-day appreciates too little the vast importance of properly regulating admission to the bar.

Twenty-four of the States require a period of study previous to examination for admission, and in all the other States an applicant for admission can take his examination at any time, and the examinations are usually so informal that practically he can be admitted at any time. Therefore, generally speaking, in about twenty of the States in the country there are practically no requisites for admission, or they are so loosely observed that their object is frustrated. In a number of the twenty-four States where a period of study is required, the examinations themselves are formal matters, but although this should not be, yet we can in a measure condone it in view of the fact that the applicant is at least required to study a certain number of years before being allowed to take his examination. These States and the number of years' study required in each are as follows: North Carolina, one year; Washington, eighteen months; Colorado, Illinois, Iowa, Kansas, Maine, Maryland, Nebraska, North

Dakota, Wisconsin, and Wyoming, two years; Connecticut, Delaware, District of Columbia, Minnesota, New Hampshire, Ohio, Pennsylvania, and Vermont, three years; New Jersey, three, if the applicant possesses an A. B. or a B. S. degree, and four years if he does not; New York and Oregon, two years if a college graduate, three years if not; and Rhode Island, two years if the applicant possesses a classical education, three if he does not.

The favorite method of examining applicants is in open court by a temporary committee appointed by the Court, or theoretically by the County and Supreme Judges themselves. Both of these methods, according to the testimony of the Attorney-Generals of the several States, are very unsatisfactory.

\*

A NEW statute is not like a pebble dropped into water; it is like a salt or a stain, and becomes an undivided part of the mass of existing law into which it is thrust. Take the specific case of recently attempted legislation to forbid aliens to own land in the United States. The draftsman of the bill in Texas gave it this title: "An act to amend title 3, articles 9 and 10, and to add articles 10a, 10b, 10c, 10d, 10e, 10f, 10h, 10j, and to repeal all laws in conflict therewith." It is apparent instantly that no one can tell the object of the bill from its title, which would be equally applicable even to a similarly numbered statute of any other State than Texas. If the gentleman who drew that bill had had legal training, he would have recalled the famous, or rather infamous, Yazoo act of Georgia, which, under a title

relating to payment of troops, corruptly granted immense areas of public land.

\*

MR. JUSTICE WILLIAMS has more than once said, and he has lately been repeating it with much emphasis, that in his opinion the Legislature never meant the Companies Acts to be used to enable a man to turn himself into a company; but in a recent case, *Broderip v. Salomon*, the censor of company proceedings went further and arrived at the startling conclusion that when a man turns himself into a private company with the aid of six dummies, the so-called company—the corporate *alter ego*—is a mere *alias*; it is merely the promoter's agent; he is its principal, and as such bound to indemnify it. Nay, more, the creditors of the company are entitled to sue him as the true principal.

\*

"JOHN PHOENIX" (Lieutenant Darby) was standing on Montgomery-street one day, away back in the 50's, writes a Los Angeles reader of the *Argonaut*, when a delivery wagon, labelled "Eagle Bakery" came along. Phoenix hailed the driver, and, going up to the wagon, said: "Give me one." "One of what?" said the driver. "One of those," replied Phoenix. "Those what?" said the driver. "Why one of your baked eagles." It is old, but good.

\*

THE vendor of personal property has three remedies against the purchaser in default: 1. The seller may store the property for the buyer and sue for the purchase price; 2. He may sell the property as the agent of the

buyer and recover for the resulting difference; 3. Or, the seller may keep the property as his own, and recover the difference between the contract and the market price, at the time and place of delivery.

These remedies of the seller are *not* to be treated as concurrent, but on the default of the buyer the seller must make his prompt election, and then formulate his demand and complaint accordingly. *Gray v. Central R. Co.*, 31 N.Y. Supp. 704.

\*

It is in the essence of the true bull to be spontaneous, subtle, and unconscious; instant and vivid as summer lightning, and as lovely. The late Chief Baron Dowse was frequently given to lapses of the kind. I recall a delightful instance. It was before his elevation to the Bench, and while he was Solicitor-General for Ireland. The Government of the day had been tackled during question time about certain riots which had just broken out in Londonderry, and Dowse was put up by the Ministry to explain. This he did by observing that the riots were the outcome of "an anniversary which occurs twice a year in Derry." It is to be feared that in the laughter that followed the merits of the question were forgotten.

\*

ROGER NORTH gives an instance of the lawyer's attachment to mere forms. In his day the Court of Common Pleas used to sit in Westminster Hall, close to the great door, in order that suitors and their train might readily pass in and out. When the wind was in the north, this situation was found very cold, and it was proposed to move the

Court further back, to a warmer place. "But the Lord Chief Justice Bridgman," says North, "would not agree to it, as it was against Magna Charta, which says that the Common Pleas shall be held in *certo loco*, or in a certain place, with which the distance of an inch from that place is inconsistent, and all the pleas would be *coram non judice*."

\*

MR. JUSTICE MATHEW has commenced his commercial career with a cause calculated to turn any lawyer's hair gray. An Armenian firm in Turkey drew a set of bills on its branch house in Manchester, payable apparently to a German or Dutchman, who indorsed them to a Turk, who deposited the 'firsts' with a Hungarian bank on disputed terms, and negotiated the 'seconds' with a French Société Anonyme. The perambulatory course of these bills through the avenue of nations was presented to the learned judge with the obscuring assistance of a series of foreign experts in laws of most of the States to which the successive parties belonged, or in which the successive transactions were conducted; but, finally, the case was reduced to the comparative simplicity of a conflict between English, French and Hungarian law, and the learned judge has been able to solve the international puzzle by holding that Hungarian law did not assist the Hungarian bank concerned in the case.

\*

THE Supreme Court of Nebraska has decided an important question in regard to the rights of members of building associations, in *Randall v. Nat. Bdg., Loan & Protective Union*, 60 N.

W. Rep. 1019, where it held, that when a contract of membership in a building association provided for the forfeiture of the stock in case any payment should not be made when due; and a member having borrowed money on mortgage, made a number of payments on the stock, and also on interest and premium, but then ceased to pay, whereupon the association declared her stock forfeited, and brought suit to foreclose the mortgage, the payments on the stock should be applied as payments *pro tanto* on the loan, in an accounting of the amount due on the mortgage.

\*

"DEVIL'S ADVOCATE" is a vulgar Italian nickname for the opponent in a cause of canonisation before the sacred congregation at Rome. He is one of the advocates of the Papal Curia. He is appointed to this task, and is sworn to do his duty. It is an honorable duty. There is nothing disgraceful in his contention that the proponent must strictly prove the virtues of the person under discussion, and that the sacred congregation must weigh all that can be said against him. But, as he often succeeds in preventing the canonisation of a person whom the populace delights to honor, his office is not popular, and he is familiarly called the "Devil's Advocate."

\*

THE old idea that, because a corporation had no soul, it could not commit torts, or be the subject of punishment for tortious acts, may now be regarded as obsolete. The rights, the powers, and the duties of corporate bodies have been so enlarged in modern times, and these artificial per-



sons have become so numerous, and enter so largely into the everyday transactions of life, that it has become the policy of the law to subject them, so far as practicable, to the same civil liability for wrongful acts as attach to natural persons. A discussion of the principles involved is found in *Fitzgerald v. Fitzgerald & Malloy Const. Co.*, 50 N. W. Rep. 836.

MR. LOUIS FRANK, in the *Educational Review*, mentions that in the United States two thousand four hundred and thirty-eight women are practising medicine, twenty-four States have admitted women to the Bar eight women have been admitted to the Supreme Court, and one hundred and twenty lady lawyers are members of the American Bar.

## LAW SCHOOL.

(Continued from January No.)

*Examination in Easter term, 1894.*

FIRST YEAR—EQUITY.

*Examiner:* JOHN H. MOSS.

1. Explain and illustrate the application of the maxim, "qui prior est tempore portior est jure."

2. What are the provisions of the Statute of Frauds relating to trusts?

3. A. buys land, paying the purchase money himself, and, to enable his son B. to qualify as a candidate for a parliamentary election, has the conveyance made to B. B. having been defeated in the election, A. brings an action to have it declared that B. holds the land as trustee for him (A.) Can he succeed?

4. Under what circumstances may a trustee safely purchase from his cestui que trust?

5. What are (a) general, (b) specific, (c) demonstrative legacies? In what respects is the distinction important?

6. Explain and illustrate the equitable doctrine of conversion.

7. Distinguish between a mortgage and a pledge of personal property.

8. What is the nature and extent of the lien of a solicitor upon the deeds, books, papers, etc., of his client, for costs?

9. What is meant by "mutual accounts," and why were they formerly assigned to the equity jurisdiction?

10. What criterion does Equity apply in deciding whether a contract is proper to be the subject of an action for Specific Performance?

FIRST YEAR—REAL PROPERTY.

*Examiner:* A. C. GALT

1. What is the meaning of "an executory interest" in lands, and how may such an interest be created?

2. Define and give an example of a lease by estoppel?

3. A. leases certain lands to B. for a term of five years, without any provision respecting the right to sublet. B. then sublets to C. for the unexpired period of the term, less one day. Has he the right to do so?

4. Explain the difference between a vested and a contingent remainder, and state the different principles upon which a remainder is said to be contingent.

5. Enumerate the various modes in which a will may be revoked.

6. What are the rights of a tenant for life in respect to buildings blown down by the wind?

7. Explain the nature of a vendor's lien, as applied to real estate transactions.

8. Draw a deed, without dower, from Joseph Simpson to Samuel Brown, conveying lot No. 1 on plan 304 in Toronto, inserting date, consideration, &c., in such form as to entitle the grantee to the benefit of the implied covenants for title mentioned in R. S. O., 1887, cap. 100.

9. Where a residuary bequest consists of both real and personal property, together worth \$10,000.00, and it becomes necessary to resort to the property for the payment of debts amounting to \$3,000.00; in what manner is the burden of the debts to be borne as regards the two species of property?

10. What is the effect of the Acts of 1891 and 1893 amending the Devolution of Estates Acts with respect to cautions?

---

SECOND YEAR—PERSONAL PROPERTY.

*Examiner:* M. H. LUDWIG.

1. (a) What is meant by a fixture; and what different classes of fixtures are there?

(b) What tests would you apply to determine whether or not an article is a fixture?

(c) Compare the right of the landlord to articles fixed to the premises by the tenant with the right of a mortgagee to the articles fixed to the premises mortgaged by the mortgagor.

2. A chattel mortgagee, discovering that owing to a defect in the affidavit of *bona fides* the mortgage is void as against creditors, took possession of the chattels included in the mortgage. Can the mortgagee hold the chattels as against creditors of the mortgagor? Answer fully.

3. (a) What tests would you apply to determine whether a contract respecting *fructus naturales* falls within the 4th or 17th section of the Statute of Frauds?

(b) Within which section is a contract for the sale of growing crops?

5. On the sale of a chattel is there an implied warranty that the vendor has a good title to the chattel? Answer fully.

5. (a) A who is insolvent paid B, his brother, one of his creditors, the full amount of his claim, and on the same day he made an assignment for the benefit of his creditors. B knew A intended to assign after the payment to him. Can the assignee recover the money for ratable distribution amongst the creditors of A?

(b) When will a person buying goods for cash from a person whom he knows to be insolvent, not be entitled to hold such goods as against the assignee of the insolvent?

6. What steps must the owner of a chattel take to protect his rights in a chattel as against creditors,

(a) If he parts with the possession of the chattel, but intends to retain his right of property in it?

(b) If he intends to acquire the right of property in a chattel without taking possession of it?

7. When the articles of partnership of a firm provide that one of them only shall have the right to pledge the credit of the firm and draw and accept bills and notes, is the firm bound by contracts made by the other partner contrary to the terms of the partnership articles, if such contracts are entered into in the ordinary course of the firm's business?

---

SECOND YEAR.—REAL PROPERTY.

*Examiner:* A. C. GALT.

1. Define the terms (1) lands; (2) tenements; (3) hereditaments.

2. Under what circumstances does tenancy by the curtesy arise; and in what respect has the right been affected by legislation in Ontario.

3. Give examples of alienation by matter of record.

5. A. executes a grant of lands "to B. and his heirs, tenants of the manor of Dale." What estate does B. take in the lands?

5. Who is entitled to the emblements in the following cases:

(1) A tenant, holding under a lease for 5 years from 1st June, whose lease runs out?

(2) A tenant holding under a similar lease, which becomes forfeited, during the second year of the term, shortly before the crops are ripe?

6. Enumerate the various ways in which colonies may be acquired by the Crown, and what laws would be in force in the colony in each case?

7. Explain and illustrate what is meant by "an incorporeal hereditament?"

8. A widow brings an action of dower. State briefly the facts which she must allege and prove.

9. What are the distinguishing characteristics of Gavelkind tenure?

10. A. grants certain lands to B. and his heirs to the use of C. and his heirs. B. dies, and his widow claims dower. Explain whether she is entitled.

11. What condition is implied by law where an office is granted to a man?

12. When, and subject to what qualifications, may the purchaser of a mortgage set up the defence of purchase for value without notice?

13. Under what circumstances may a judge dispense with the concurrence of a husband in a deed of conveyance, so as to enable the wife to convey lands free from her husband's interest?

#### SECOND YEAR—PRACTICE.

*Examiner:* M. H. LUDWIG.

1. When will the Court grant relief against a forfeiture for breach of a covenant in a lease to insure against loss by fire?

2. What is meant by a (a) mandatory injunction, (b) interlocutory in-

junction. Give examples illustrating your answer. What must be clearly shewn before the Court will grant an injunction?

3. State the different classes of debts or demands for which a writ of summons may be specially endorsed.

4. What steps in an action may a plaintiff take where the defendant (a) has entered an appearance after the time limited for appearance, but did not serve notice of entry of appearance on the plaintiff's solicitor; (b) has delivered his defence after the time allowed for delivering same?

5. (a) In what cases may appeals be taken to the Court of Appeal without leave?

(b) When will no appeal lie from a judgment or order?

6. (a) When only will the Court entertain a motion to set aside a proceeding for irregularity?

(b) How may an irregularity be waived?

7. A party to an action suing by a solicitor desires to change his solicitor,

(a) Upon what terms will he be permitted to do so?

(b) What steps must be taken to procure the change?

8. How far may a party to an action use in evidence,

(a) His own examination for discovery?

(b) The examination of the opposite party?

(c) The examination of an officer of a corporation?

9. (a) What steps must be taken to procure the evidence of a witness for use on a pending motion when such witness refuses to make an affidavit?

(b) If the witness is out of the jurisdiction, how can the evidence be procured?

10. Can a plaintiff ever recover judgment before the time allowed the defendant to enter an appearance to the writ has expired? If so, what steps must he take, and what must be shewn to entitle him to judgment?

## SECOND YEAR—EQUITY.

*Examiner* : J. A. Moss.

1. What is meant by the *Cy-près* doctrine as applied to charitable trusts?

2. What are the provisions of the Statute of Frauds relating to trusts?

3. B. obtains a conveyance of a farm in his own name, the deed containing a statement that he has advanced the purchase money. A. seeks to show by parol evidence that he (A.) has really advanced the purchase money. Can this evidence be admitted? Explain.

4. State the general rules governing the liability of trustees and executors respectively who have joined in receipts for moneys paid to co-trustees or co-executors, and misappropriated by them.

5. State the rules by which Courts of Equity are governed in decreeing or refusing rectification of a marriage settlement so as to make it conform to the preliminary articles.

6. A mortgagee who has obtained a final order of foreclosure sells the mortgaged property for a sum less than the amount of the mortgage debt and then sues the mortgagor on his covenant for the balance. What are the rights of the parties?

7. A testator, erroneously supposing himself to be the owner of Blackacre devises that estate to A., and by the same will gives a legacy to B., who is the real owner of Blackacre. Can B. insist upon retaining the land and also claim the legacy?

8. A. owes B. \$500, and by his will leaves him the residue of his (A's) property, which in the event turns out to be worth \$1,000. In the absence of any expression of intention in the will, is the debt satisfied by the legacy?

9. Under what circumstances and by what procedure may time be made of the essence of a contract to which it was not originally essential?

10. What three cardinal points

must be established by a plaintiff who seeks an injunction for the protection of a legal right?

Supplemental Examination, Sept.  
4th, 1894.

## THIRD YEAR—EQUITY.

*Examiner* : J. H. Moss.

1. What is meant by an illusory trust? Give an example.

2. In what cases can a person recover back property which he has intentionally vested in another upon trust for an illegal purpose?

3. A. and B. give a joint promissory note to C. The note having become long overdue, C. sues upon it. B. pleads that he joined in the note as surety for A., of which fact C. was aware, and that he is discharged by C. having refrained for five years from enforcing payment by A. C. demurs to this plea. Should he succeed?

4. In the absence of any governing provision in the will, are executors justified in referring a claim against their testator's estate to arbitration?

5. What effect has the making of a decree for administration of the estate of a testator upon the powers of his executors?

6. If there is a direction in a will to sell real estate, and no trustee is named to carry it out, who is the proper person to perform it.

7. What must a *cestui que trust* show who seeks to impeach a sale by a trustee as being made subject to depreciatory conditions (a) as against the trustee, (b) as against the purchaser.

8. What classes of claims are excepted from the Statute which extends the protection of the Statute of Limitations to trustees?

9. To what extent is parol evidence varying a written contract admissible in a specific performance action (a) on

behalf of the plaintiff, (b) on behalf of the defendant?

10. What right has a surety against the principal debtor after the debt guaranteed has become due, but before the surety has been compelled to pay anything under his guarantee?

*(To be continued.)*

**ROSS & CAMERON, . . .**

Barristers, Solicitors, &c.

Hon. G. W. Ross.

M. G. Cameron

**FOY & KELLY, . . .**

Barristers, Solicitors.

*80 Church St.*

J. J. Foy, Q.C.

H. T. Kelly.

**RITCHIE, LUDWIG & BALLANTYNE,**

Barristers, Solicitors, &c.

*9 Toronto Street.*

C. H. Ritchie, Q.C.

H. M. Ludwig.

A. W. Ballantyne

**McGHIE & KEELER, . . .**

Barristers, Solicitors, &c.

*9 1/2 Adelaide Street East.*

J. H. McGhie.

A. J. Keeler.

**IRWIN & KYLES, . . .**

BARRISTERS, SOLICITORS, &c.

*103 Bay Street,*

H. E. Irwin.

John Kyles.

**ACCOUNT BOOKS  
STATIONERY  
LEATHER GOODS  
BOOKBINDING**

AGENTS FOR THE

CALIGRAPH TYPEWRITER  
EDISON MIMEOGRAPH  
WIRT FOUNTAIN PEN

THE **BROWN BROS., LTD.**

Manufacturing Stationers, Bookbinders, etc.

**64-68 King St. E., - TORONTO.**

High Grade  
Watches,  
Chronometers,  
Regulators  
and  
Clocks  
Properly  
Cleaned  
and Timed

AT  
**CHAS. SPANNER'S**  
High Grade . . .  
Watch Specialist  
• and Dealer in  
**Fine Watches & Rings**  
**344 YONGE STREET**  
(2 doors Below Elm)  
**TORONTO.**

ASSESSMENT SYSTEM.

**The Canadian Order of the Woodmen of the World.**

(Incorporated and Inspected by the Dominion Government.)

**A Secret Beneficial Order**

Pays to the Families or Heirs, Widows and Orphans of deceased members \$500 to \$3,000.  
Has an Emergency Fund to equalize cost.  
Policy incontestible and indisputable after one year—except for non-payment of assessment and fraud.  
The most Practical, Successful and Cheapest plan of Life Insurance ever devised.

**Just What You Want.**

For full particulars as regards the Order, its Plans and Workings, address the Head Camp Organizer,

**J. A. McMURTY, TORONTO, ONT.**

Active Organizers wanted. Apply, with References, to above address.

**JOHN PEARSON**

*Real Estate and . . .*

*. . . Insurance*

AGENT FOR

Raymond Sewing Machines and Novelties  
30 Hughson Street South,  
**HAMILTON, ONT.**

High Class =  
 Men's, Boys' and  
 Children's = =  
 Clothing = =

**E. BOISSEAU,**  
 • Wholesale Clothier,

18 FRONT STREET EAST.



REGISTERED TRADE MARK.

**B. SAUNDERS**

94 King St. West  
 TORONTO . . .

Merchant Tailor and Robe Maker

Queen's Counsel Silk and Circuit Gowns  
 . . Barristers' Gowns and Bags . .

**COURT COAT SAND WAISTCOATS**  
 = A SPECIALTY =

All goods first-class } } TERMS:  
 and correct styles.. } } . Net Cash .

**Manufacturers Life Insurance  
 Company,**

Head Office, Yonge Street, corner Colborne,  
 TORONTO

Authorized Capital and Other Assets over  
 \$2,500,000.00.

*President,* George Gooderham, *President Bank of Toronto.*

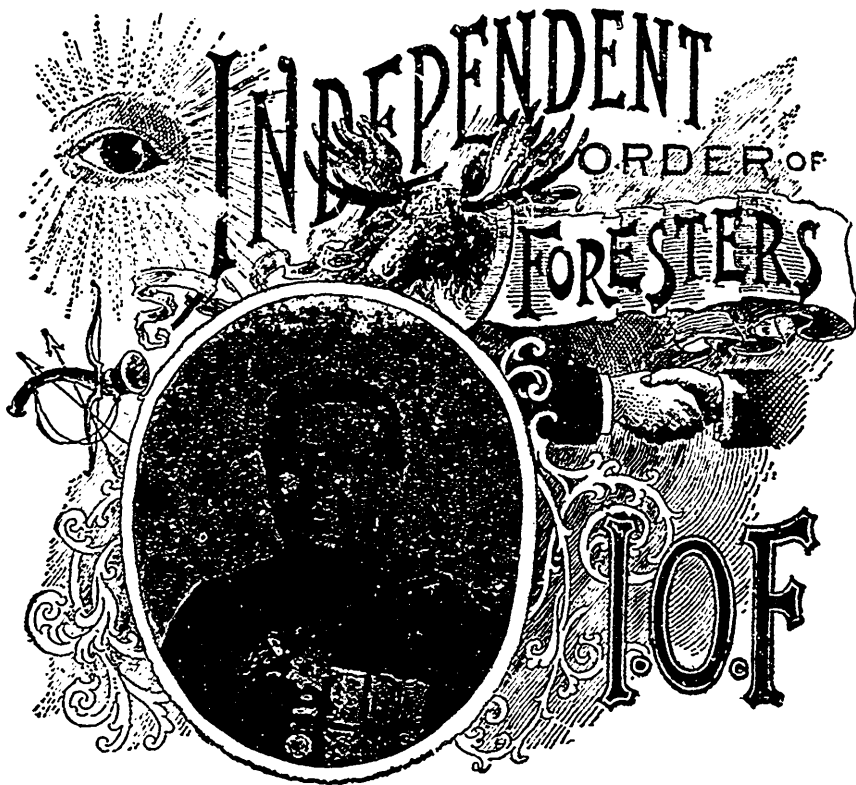
*Vice* } William Bell, *President Traders' Bank, Tor-*  
*Presidents* } S. F. McKinnon, *Vice-President Board of*  
*Trade, Toronto.*

*Medical* } James F. W. Ross, M.D., L.R.C.P., Esq.  
*Directors* } P. J. Strathy, M.D., M.R.C.S., Esq.

*Consulting Actuary,* D. Parks Fackler of New York.

The Double Maturity Policy of this Company is admirably adapted to all who desire to accumulate a fund for their future support at a time when it is most likely to be needed, namely, the age of 65 or earlier. The policy is issued without any restrictions as regards residence, travel or occupation. It is indisputable after one year, and the rates are the lowest of any enjoyment in the market.

**JOHN F. ELLIS,**  
 Managing Director.



**EVERYBODY** who knows anything about insurance acknowledges that the Independent Order of Foresters is far and away the Best Fraternal Benefit Society in the World. It was founded in Newark, New Jersey on the 17th June, 1874, and has spread all over the United States and Canada, and is rapidly spreading in Great Britain and elsewhere.

**The Unexampled Progress and Prosperity of the Independent Order of Foresters**  
is shown by the following figures :

No. of Members.	Balance in Bank.	No. of Members.	Balance in Bank.	No. of Members.	Balance in Bank.				
October, 1882	\$80	January, 1883	\$ 1,145 07	January, 1883	7,811	\$ 86,102 42	January, 1894	54,484	\$359,857 89
January, 1883	1,134	January, 1889	2,769 54	January, 1889	11,618	117,589 58	February, "	55,149	375,800 06
January, 1884	2,216	January, 1890	13,070 55	January, 1890	17,025	183,130 86	March, "	56,559	376,230 08
January, 1885	2,558	January, 1891	20,992 80	January, 1891	24,466	253,967 20	April, "	58,329	311,520 93
January, 1886	3,648	January, 1892	31,082 52	January, 1892	32,393	408,793 18	May, "	59,007	329,707 04
January, 1887	5,304	January, 1893	60,325 02	January, 1893	43,024	550,597 35	June, "	60,200	351,571 62

**Membership 1st July, 1894, about 61,000. Balance in Bank, \$985,434.68.**

The total number of applications considered by the Medical Board for the six months ending 30th June, 1894 was 13,351, of whom 12,296 were passed, and 1,055 rejected.

The cause of this unexampled prosperity and growth of the I. O. F. is due to the fact that its foundations have been laid on a **Solid Financial Basis**, and every department of the Order has been managed on business principles, thereby securing for all Foresters large and varied benefits at the lowest possible cost consistent with **Safety and Permanence**.

At date all Benefits have been paid within a few days of filing the claim papers, amounting in the aggregate to the princely sum of **Two Millions Three Hundred and Sixty Thousand Five Hundred and Sixty-four Dollars**. Notwithstanding the payment of this large sum, as well as all the management expenses, including large sums for planting the Order in New Territory, there remains the handsome cash balance in the treasury, as noted above, of the sum of **Nine Hundred and Eighty-five Thousand Four Hundred and Thirty-four Dollars and Sixty-eight Cents**.

Look at this list of the Benefits which you may obtain for yourself by becoming a Forester :

**FOR YOURSELF.**—1. The fraternal and social privileges of the Order. 2. Free medical attendance. 3. Total and Permanent Disability of \$500, \$1,000, or \$1,500. 4. A benefit for your old age of \$100, \$200, or \$300 a year. 5. A Benefit, payable on reaching your expectation of life, of \$1,000, \$2,000, or \$3,000. 6. Sick Benefits of \$3 to \$5 per week.

**FOR YOUR FAMILY.**—1. Funeral Benefit, \$50. 2. Mortuary Benefit of \$1,000, \$2,000, or \$3,000.

The cost of admission to the Order in most Courts is only \$7 to \$9, according to the amount of Benefit taken, besides medical examination fee, which is \$1.50 if you are taking only \$1,000 of insurance, and \$2 if taking \$2,000 or \$3,000. Agents wanted in Canada, the United States, and Great Britain and Ireland.

For further information, apply to

**ORONHYATEKHA, M.D., S.C.R.,** Toronto, Canada. **HON. D. D. AITKEN, M.C., S.V.C.R.,** Flint, Mich. **JOHN A. MCGILLIVRAY, Q.C.,** S. Secretary, Toronto, Canada. **JAMES MARSHALL,** Gen. Manager, Great Britain, 172 Buchanan-street, Glasgow, Scotland, or to **REV. W. J. MCCAUGHAN,** Gen. Manager, Belfast, Ireland.

# THE TRUSTS' CORPORATION

## OF ONTARIO.

OFFICES AND

### SAFE DEPOSIT VAULTS

BANK OF COMMERCE BUILDING, - KING ST. TORONTO.

*Capital* = = = \$1,000,000

HON. J. C. AIKINS, P.C. . . . . PRESIDENT.  
 HON. SIR R. J. CARTWRIGHT } . . . . . VICE-PRESIDENTS.  
 HON. S. C. WOOD }  
 MOSS, BARWICK & FRANKS. . . . . GENERAL SOLICITORS.

Under the sanction of the Ontario Government, the Trusts' Corporation is accepted by the High Court of Justice as a Trusts' Company for the purpose of such Court.

The Corporation may be appointed to and undertakes any of the following offices.

#### *EXECUTOR*

named in Will or by transfer from retiring executor.

#### *ADMINISTRATOR*

in case of intestacy, or with Will annexed.

#### *TRUSTEE*

under Deed, Settlement or Will, by original appointment or substitution for Retiring Trustees.

#### *COMMITTEE OF LUNATICS*

and Custodian and Guardian of their estates and properties.

#### *GUARDIAN OF MINORS*

and Custodian of estates of children during their minority.

#### *RECEIVER, ASSIGNEE, LIQUIDATOR.*

#### *BONDS, DEBENTURES, &c.,*

issued and countersigned. Estates managed. Rents and incomes collected. Money received for investment.

*Solicitors bringing estates* or other business to the Corporation are retained to do the legal work in connection therewith. Correspondence invited.

**A. E. PLUMMER, Manager.**