RETIREMENT OF MR. HARCOURT, THE OFFICIAL GUARDIAN (ONTARIO).

Another change, though not a radical change. in an important department of the administration of justice in Ontario, is caused by the retirement of Mr. John Hoskin, K.C., LL.D., from the position of Official Guardian of Infants, which he has most successfully filled since the office was created. Long before that, indeed, he was the guardian *ad litem* ordinarily appointed by the Court of Chancery in litigation in which infants were interested, and before that again, as a law-student in the office of Mr. Strong, and as the partner of Mr. Gwynne, he was in close touch with infants and their estates. He has been a wise and faithful guardian, and the interests, very often most important interests, committed to his care, have ben carefully and jealously guarded. He has come in contact with every lawyer in the Province, and no one ever found him other than wide-awake to the true interests of his wards. To conduct the multitude of varied affairs which have got into the Guardian's office, during the past thirty years, and to conduct them successfully, has been no easy task. Dr. Hoskin brought to it tact, courtesy, and business methods, as well as the learning and ability of a trained lawyer. He made the office, laid down for the Province the lines on which it should be conducted, and established a practice which, though not written in any book, is well understood and followed. Now that he has resigned, there will be no change. He will continue his connection with the office by acting as advisory counsel to the new Official Guardian, and that guardian is his pupil and friend of many years, Mr. Frederick Weir Harcourt. who is well known throughout the Province as Deputy Official Guardian, and who will undoubtedly preserve the traditions of the office. We congratulate Mr. Harcourt on his promotion, which he has fully merited.

The foregoing quotation is from the *Canadian Law Times,* vol. 22, p. 430 (1902). During the 26 years that have elapsed since those words were written, Mr. Harcourt has, as then prophesied, "preserved the traditions of the office" of Official Guardian of infants in the Province of Ontario. He is now retiring, but as he is being retained by the Government, as was Dr. Hoskin, to act in an advisory capacity, it is to be hoped that he will continue for many years to be in touch with the office and a beneficent influence in the conduct of its affairs.

Frederick Weir Harcourt was born in 1856, the son of Michael Harcourt, sometime member for Haldimand in the Parliament of Canada before Confederation. A picturesque house on the bank of the Grand River, in the village of Caledonia, was his birth-place. His schools were the Cayuga Collegiate Institute and Upper Canada College. He was admitted to the Law Society as a student-at-law in 1876, and was first articled to Mr. Alexander Bruce, of Hamilton. He served in the office of Mr. Bruce's firm until he moved to To-

ronto, entering the office of the then new firm of McCarthy, Osler, Plumb and Creelman, and while still a law-student became Mr. Hoskin's assistant in infancy work. He then became known as "Deputy Official Guardian," though not officially so designated. Upon his admission as a solicitor he became a member of the firm and continued in infancy work. His part in establishing the practice of the office of Official Guardian was no small one; the duties were onerous; the details, by no means uninteresting or unimportant, were so numerous that only a man with a remarkable capacity for work could grapple with them successfully. He was called to the Bar in 1886, and made frequent appearances in Court, usually in infancy matters, to which he gave practically his whole attention. But it was as an "officeman" that he was at his best. He served his infant constituency with great fidelity. Patient, tactful, shrewd, and sympathetic, he eased difficult situations and antagonised no one.

Almost every solicitor in the Province was known to him personally. Not a day passed without interviews with lawyers, widows and orphans, trustees and executors, and all with whom he came in contact regarded him with—affection is not too strong a word.

The work was continued after he became Official Guardian in 1922, and his efforts were not slackened, for, although he had talented assistance, the burden of the work fell upon him. He well deserves the at least partial rest which his resignation brings about.

Mr. Harcourt's usefulness and great abilities were generally recognized. He was elected a Bencher of the Law Society of Upper Canada in 1906, and re-elected at the head of the poll in 1911, 1916, 1921, and 1926, when he became a Bencher *ex officio*.

The great office of Treasurer of the Law Society devolved upon him, by choice of his fellow-Benchers, in 1924, and he filled it for 3 years, declining renomination in 1927 on the ground of ill-health. He gave very close attention to his duties as a Bencher and as Treasurer.

In 1908 he was appointed one of His Majesty's counsel. Queen's University bestowed upon him the degree of LL.D. *honoris causâ*. in 1921.

Many positions of trust and responsibility unconnected with his profession have been and are filled by him.

A ready and impressive speaker, his speeches are both humorous and witty and are always enjoyed by his audiences.

Mr. Harcourt is succeeded as Official Guardian by Mr. McGregor Young, K.C., a well-known, popular, and experienced lawyer, "who will undoubtedly preserve the traditions of the office," as was said of Mr. Harcourt when he succeeded Dr. Hoskin. These traditions may be said to be, jealous care of the interests of the infants and fair dealing with others.

Toronto. E. B. BROWN.

JURIES AND INSURED DEFENDANTS.—We reprint the following from the English *Law Times* of April 28th at page 371:

It is now clear from the decision of the Divisional Court, consisting of Mr. Justice Salter and Mr. Justice Talbot, in *Grinham* v. *Davies*, that a Judge has a discretion to discharge a jury and order the case to be tried by a fresh jury when they have been informed on behalf of the plaintiff that the defendant is insured. There is no doubt that there is an established rule of practice that in an accident case the jury ought not to be told that the defendant is insured, and, as Mr. Justice Salter pointed out, it is obviously a fair rule, because it is well known that in these cases the jury are naturally much more prone to find for a plaintiff if they know that the amount of their verdict will be paid by an insurance company and not by an independent person. As a matter of fact there is no reported decision where a Judge has discharged a jury for this reason, but in *Gowar* v. *Hales* (137 L.T. Rep. 580), it was approved that non-disclosure of the fact of insurance was a practice that Judges should enforce. That fact can only be introduced for one purpose, namely, prejudice, and, as Lord Hanworth pointed out in the case to which we have referred, it is of importance that the real issue between the parties should be decided upon the merits of that issue, without a supervening and prejudicial circumstance not really material being introduced, namely, that the defendant might have recourse under a policy against a large and in many cases wealthy corporation.