

Procedure—Putting husband of defendant in the cause—Lease, Construction of.

*Held:—*1. Where the plaintiff was ordered, by a judgment of the Court, to bring the husband of the female defendant personally into the cause, that the service of a new writ and declaration setting forth the demand in full, upon both husband and wife, was sufficient.

2. That where the lease stipulated that the lessee should have the use of a portion of the yard in rear of the building leased, which portion should be determined by the lessor, with right to the lessee to fence the same at his option, that the lessor was not entitled, after the lessee had been four years in possession, with the yard open, to erect a fence across the yard, more especially as the fence deprived the lessee of light and air.—*Myler et vir & Styles, Dorion, C. J., Cross, Baby, Church, JJ., Feb. 25, 1888.*

Libel—Telegraph Company—Transmission of libellous matter—Publication of judicial proceedings—Damages.

*Held:—*1. That the publication of an extract from the declaration of a party in a suit entered, but before the return of the action, is not privileged.

2. That the communication by a telegraph company of a dispatch to its employees engaged in transmitting and receiving such dispatch, is a publication.

3. That a telegraph company is not bound to transmit a dispatch of a libellous nature, and is not entitled to plead its statutory obligation to transmit the dispatches entrusted to it, in answer to an action of libel for the transmission of a libellous dispatch.

4. That the refusal of the defendant to disclose the name of the person at whose request the libellous matter was transmitted, was an aggravation of the wrong, and substantial damages should be awarded, (Dorion, C. J., and Cross, J. dissenting as to damages).—*Archambault & Great North Western Telegraph Co., Dorion, C. J., Monk, Tessier, Cross, Baby, JJ., March 27, 1886.*

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Nov. 10.

Judicial Abandonments.

Laurent Chandonnet, trader, St. Pierre Les Beoquets, Nov. 6.

U. T. A. Donahue, trader, Roberval, Oct. 27.
Marie Goulet, shoe merchant, Lévis, Oct. 30.
Timothy Kenna, Montreal, Nov. 2.
I. McIver & Co., Salaberry de Valleyfield, Nov. 6.

Curators appointed.

Re Zoël S. Aubut.—W. A. Caldwell, Montreal, curator, Nov. 8.

Re Lefavre & Laberge.—C. Desmarteau, Montreal, curator, Nov. 7.

Re Napoléon Proulx.—C. Desmarteau, Montreal, curator, Nov. 2.

Dividends.

Re Olivier Champigny, trader, St. Hyacinthe.—First and final dividend, payable Nov. 27, J. E. Morin, St. Hyacinthe, curator.

Re C. T. Jetté.—First and final dividend, payable Nov. 24, C. Desmarteau, Montreal, curator.

Re J. L. Lamplough.—Dividend, S. C. Fatt, Montreal, curator.

Re Avila Birs, trader, St. Hilaire.—Dividend, payable Nov. 28, M. E. Bernier, St. Hyacinthe, curator.

Separation as to property.

Emélie Mageau vs. Henry Shawl, Montreal, Nov. 7.

GENERAL NOTES.

JUDICIAL WEIGHT.—The new Chief Justice, says a New Orleans journal, is the smallest man of the Supreme Court of the United States, weighing 125 pounds, and being 5 feet 6 inches in height. Associate Justice Gray is the largest, measuring 6 feet 5 inches in height, and pulling the scales at almost 300 pounds. "Justices Bradley and Blatchford are about an inch higher than the Chief Justice and weigh 20 pounds more. Associate Justice Harlan is next to Gray in height, 6 feet 2 inches being his distance from the ground, and 250 pounds his weight. The other Justices are an even height, being between 5 feet 9 and 10 inches. With the Chief Justice in the centre and the two big men at each end, a V is formed when all stand in line.

POMP WITHOUT DIGNITY.—Lord Cockburn, in his "Circuit Journeys," gives a ludicrous account of one of the processions by which the Judges on Circuit were received in the Court towns:—"A line of soldiers, or the more civic array of paltry policemen, or of doited special constables, protecting a couple of judges who flounder in awkward wigs and gowns through the ill-paved streets, followed by a few swearing advocates, and preceded by two or three sheriffs, or their substitutes, with white swords which trip them, and a provost and some baillie-bodies trying to look grand, the whole defended by a poor iron mace, and advancing each with a different step, to the sound of two cracked trumpets, ill-blown by a couple of drunken royal trumpeters, the spectators all laughing, &c." All the surroundings of the judicial system were laughable. "At Inverness," he says, "one man was tried for jail-breaking, and his defence was that he was ill-fad and that the prison was so weak that he had sent a message to his jailer that if he did not get more meat, he would not stay in another hour, and he was as good as his word." On another occasion the jailer had gone to the country, taking the key of the prison with him. When the prisoners were to be brought before the judges, they could not be got out.