

entitle the plaintiff to his action, and therefore not necessary to be proved.¹ In 1 Went Pl. p. 470, is *Oldham v. Bewicke*. The declaration averred readiness always to submit to arbitration. See Buller's N. P., p. 167.

The plaintiff alleging that he furnished proofs and certificates; and having done so, is he bound to prove the authenticity of the signature of the Justice of the Peace to "particulars of loss," etc.? 1 Greenl. pp. 6, 7. It was judged not, in February, 1873, in the Court of Review, Montreal, in *Lafaye v. London, Liverpool & Globe Ins. Co.*, where it was held that *prima facie* the signature is authentic.

In an action against an unincorporated insurance company the plaintiff says that he is to be paid out of the funds of defendant company; but he need not aver that the funds are sufficient to pay, or the company well able to.²

A claim on a policy is for damages unliquidated,—the policy is only a contract of indemnity; therefore arrest can't be before a verdict, or at any rate an adjustment, in England.³

Semble, therefore, interest ought not to be from the fire. In one case interest was allowed by Buller, J., but I believe he was thought to have done wrong.⁴

But now, since the Code of Procedure in Lower Canada, arrest may be for unliquidated damages.

When you come to sue an insurance company, you must declare on the policy; but if it be lost you cannot. In this case registers of the insurer may be called for; if there be none, parol proof may be made of the policy once having been, loss of it, and plaintiff's damages, says Pothier, Ass.

Can the company insist on any bond of indemnity before paying? *Semble* no; the decree of the Court that they pay the money is all the indemnity they are entitled to.⁵

¹ *Kill v. Hollister* (1743), 1 Wils. 129.

² *Gurney v Rawlins*, 2 Mees. & W.

³ *Lear v. Heath*, 5 Taunt.

⁴ Per Ellenborough, 1 Camp., p. 50; and see p. 427, 2 Camp.

⁵ *Crookatt v. Ford*, Jurist of 1856, p. 433.

APPOINTMENTS.

15th APRIL, 1891.

EDWARD JARVIS HODGSON, Q.C., of Charlottetown, Prince Edward Island, to be Master of the Rolls in Chancery and an Assistant Judge of the Supreme Court of Prince Edward Island, *vice* the Honourable Mr. Justice Peters, resigned.

JOHN CREASOR, Q.C., of Owen Sound, Ontario, to be Judge of the County Court of the County of Grey, Ont.

FRANK JOHN LESLIE, Solicitor, of 15 Union Court, Castle Street, in the City of Liverpool, England, to be a Commissioner for administering oaths in the Supreme Court and in the Exchequer Court of Canada.

INSOLVENT NOTICES, &c.

Quebec Official Gazette, April 25.

Judicial Abandonments.

Joseph Bellavance, trader, St. Fabien, Rimouski, April 17.

William Denckert, saloon-keeper, Montreal, April 18.

Lane & Boissonnault, boot and shoe manufacturers, Quebec, April 21.

Alfred Pomminville, hotel-keeper, Montreal, April 15.

Curators appointed.

Re George Bradford, trader, township of Chatham.—W. J. Simpson, Lachute, curator, April 20.

Re Lyman H. Derick, Noyau.—J. McD. Hains, Montreal, curator, April 16.

Re Desaulniers Frères & Co., Montreal.—David Seath, Montreal, curator, April 15.

Re D. Gingras, Ste. Angèle.—Kent & Turcotte, Montreal, joint curator, April 17.

Re Joseph Léon Lamarche, St. John's.—David Seath, Montreal, curator, April 21.

Re L. A. Lavallée, grocer, Joliette.—J. B. A. Richard, Joliette, curator, April 13.

Re Jean Leroux, St. Joseph de Soulanges.—A. Lamarche and L. S. Olivier, Montreal, joint curator, April 21.

Re Lonergan Brothers, Montreal.—A. Lamarche, Montreal, curator, April 23.

Re Ferdinand Richard, leather merchant, Quebec.—N. Matte, Quebec, curator, April 20.

Re N. Tôtreal, Jr.—C. Desmarteau, Montreal, curator, April 21.

Dividends.

Re George Baptist, Son & Co., Three Rivers.—Dividend, payable May 12, J. Macintosh and G. Hyde, Montreal, joint curator.

Re A. A. Chapdelaine, Sorel.—First dividend, payable May 12, A. A. Taillon, Sorel, curator.

Re Raoul Lavoie, hardware merchant, Quebec.—First and final dividend, payable May 11, H. A. Bedard, Quebec, curator.

Re Robert T. McArthur, Brownsburgh.—First and final dividend, payable May 15, G. J. Walker, Lachute, curator.

Re L. H. Paquin, Sorel.—Final dividend, payable May 12, A. A. Taillon, Sorel, curator.

Separation as to property.

Georgianna Bélair *vs.* Joseph Lecompte, inn keeper, Montreal, April 15.

Marie L. E. Carpentier *vs.* Philippe Ethier dit Lamalice, Montreal, April 10.

Amanda Chapdelaine dite La Rivière *vs.* Ernest Neveu, grocer, Montreal, April 21.

Delia Chayer *vs.* F. X. Roy, saddler, Montreal, April 8.

Basilice Gosselin *vs.* Adelard Charpentier, plumber, Montreal, March 21.

Marie Lévesque *vs.* Dominateur Collin, trader, Montreal, April 22.