

as the two missing licenses which form the subject of the contract of 1858 were taken, viz., as conveying only such right, title, and interest as the vendors had obtained from the Crown. Now the guarantee can only extend to the thing that is sold, the very subject of the assignment. If the licenses 25 and 26 were not forthcoming, or if there was any defect in the title of the heirs of Scallon to those licenses, the guarantee might have some operation; but the licenses are forthcoming and have been handed over, and there is no guarantee against a deficiency by reason of a prior grant.

The result is, that, assuming the respondent to be right in all the issues raised by him with respect to the breach of the alleged guarantee, their Lordships are of opinion that no guarantee exists to cover that alleged breach.

Under these circumstances their Lordships will humbly advise Her Majesty that the decree of the Supreme Court be reversed, and the decrees of the lower Courts restored. The costs of the Appeal will follow the result.

*S. Pagnuelo, Q. C., and Kenelm E. Digby* for appellants.

*F. L. Beique and M. Fullarton* for respondents.

#### THE LATE MR. JUSTICE DAY.

Judge Day, intelligence of whose death has been received from England, left the bench so long ago, that he is remembered as a lawyer and judge by comparatively few of the present generation. His name is associated chiefly with the work of codification, he being one of the three commissioners originally named to prepare the draft of the Civil Code of Quebec. He was also engaged as a Commissioner in the matter of the Canadian Pacific Railway charges, and acted in a public capacity on one or two other occasions since his retirement from the bench. He enjoyed a fair reputation as a judge though but few of his decisions have been handed down to us. As a citizen as well as a judge Mr. Day was generally esteemed; and as Chancellor of McGill University he has taken some interest in educational matters.

#### GENERAL NOTES.

The vacancy on the Superior Court Bench at Rimouski, caused by the death of Mr. Justice Alleyne, has been filled by the appointment of Mr. J. A. Mousseau, Q. C.

The morning papers state that since the conclusion of the trial of Arabi prayers have been offered on behalf of the Queen in mosques in Cairo and in the provinces of Egypt, Her Majesty being referred to as "the Mirror of Justice." It is curious to observe that this title is given to the Virgin Mary in some Roman Catholic litanies, she being addressed as "Speculum Justitie."—*Notes and Queries.*

Less than forty years ago we saw fugitive slaves arrested in the city of Chicago, at the instance of their masters. The black man's mouth was closed, he could not even testify in court against a white man. Last night we saw a jury of twelve men, of one of the courts of record, in the Central Restaurant, getting their supper in charge of Bailiff Baird, a colored man. He was their only attendant to and from the court.—*Chicago Legal News.*

Comte Duteau de Grand Pré, Deputy Clerk of Appeals at Montreal, died January 20th. The deceased had been employed in the appeal office during 36 years. He was of somewhat eccentric character, though methodical and punctual in the performance of his duties. A good many years ago, he was accustomed to take repose in a coffin which he kept in his bedchamber, but one day this peculiarity nearly proved fatal, the lid, which closed with a spring, dropping while he was reclining within, and he was nearly suffocated before assistance arrived. He then ceased to use the coffin as a couch, but retained it in his house up to the time of his death, when it served for his burial. His appearance and costume were even more remarkable than his habits. He might have figured in a masquerade as a mediæval rustic, with very little alteration of his ordinary get-up.

A communication in a Toronto journal contains the following table of judicial salaries paid in other colonies under responsible government:—

	Pop.	Chief Justice.	Puisne Justice.
Victoria.....	906,225	\$17,500	\$15,000
N. S. Wales.....	840,614	13,000	10,000
Queensland.....	248,256	12,500	10,000
S. Australia.....	303,195	10,000	8,500
New Zealand.....	517,707	8,500	7,500
Tasmania.....	122,479	7,500	6,000
Cape Colony.....	1,249,824	10,000	8,750
Natal.....	400,676	7,500	6,000

The salaries in the other colonies are as follows:

Jamaica.....	580,804	12,500	not given
British Guiana.....	257,473	12,500	7,500
Hong Kong.....	1,094,804	12,500	8,500
Straits Settlements.....	350,000	12,000	8,400
Ceylon.....	2,758,529	11,250	9,000
Windward Islands.....	285,000	10,000	not given
Fiji.....	12,500	10,000	do
Trinidad.....	153,128	9,000	6,000
Leeward Islands.....	118,000	7,500	6,000