we feel sure, enter upon the duties of his new position with a determination to discharge them faithfully. Mr. Brooks, Q.C., of Sherbrooke, succeeds to the vacancy created in the St. Francis District.

DEFAULTS BY ASSIGNEES.

Conflicting decisions have been rendered by judges of the Superior Court, with respect to the liability of sureties of official assignees, when appointed assignees by the creditors. In the case of *Delisle et al.* v. *Letourneux*, 3 Legal News, p. 207, Mr. Justice Johnson held that the sureties of an official assignee remain liable for his default to account for sums received by him after he has been appointed assignee to the estate by the creditors. The defendant in the case referred to pleaded that if Lecours, the assignee in default, received the money, he did so, acting not as an official assignee, but as assignee of the creditors, and therefore the bond given to the government as official assignee, did not reach the case. His Honor overruled this pretention, citing from Mr. Clarke (3 Legal News, p. 208), and remarked, that any other construction would necessitate in all cases where the creditors appoint an assignee, that new security should be given. The above decision was rendered in 1880. In the following year the same point was submitted to Mr. Justice Torrance, in the case of *McNichols* v. *Canada Guarantee Co.*, 4 Legal News, p. 78. The opinion of the learned judge seems to have been in favor of exempting the bondsman of an official assignee from liability for his defaults as creditors' assignee; but the decision of his honorable colleague in *Delisle* v. *Letourneux* was urged by counsel, and his Honor apparently waived his own view, which was in favor of applying the rule that the obligation of the surety is *strictissimi juris, et non extenditur de persona ad personam*, and followed the precedent. Both these cases have been taken to appeal. But a decision has been given in a later case, which has been acquiesced in. In the case of *Dansereau* v. *Letourneux*, which will be found in the present issue, Mr. Justice Jetté had the same point submitted to him, and his honor has decided for the exemption of the bondsman of the official assignee, notwithstanding the precedents referred to. The fact that the third decision has not been appealed from, may perhaps be quoted in support of the theory, that a judge is justified in following his own opinion notwithstanding a doubtful precedent established by a judge of co-ordinate jurisdiction. It may be added that Chief Justice Hagarty has decided in the same sense as Mr. Justice Jetté, in an Ontario case, *Miller* v. *Canada Guarantee Co.*, from which there has been no appeal.

NOISES AS NUISANCES.

Those who suffer keenly at times from noises which seem to be needlessly shrill, discordant and ear-piercing,—the steam whistles of factories, locomotives and steamboats, the clang of bells at unseasonable hours, and the like, will hear with some satisfaction of a decision pronounced during the present year by the Supreme Court of Massachusetts. In *Davis* v. *Sawyer* the plaintiffs complained of the custom of ringing a ponderous factory bell, weighing about 2,000 pounds, before half past six o'clock in the morning, within from 300 to 1000 feet of their residences, and prosecuted the factory people for nuisance. The latter brought up a greater number of persons living nearer the factory, to declare that they were not annoyed by the bell. But the Court held that noise which constitutes an annoyance to a person of ordinary sensibility to sound, such as materially to interfere with the ordinary comfort of life and impair the reasonable enjoyment of his habitation, is a nuisance as to him. The fact that some persons may have had such associations connected with the sound that it may have been to them a pleasure rather than an annoyance, or that the sensibility of others to the sound may have become so deadened that it ceased to disturb them, showed that the noise was not a nuisance to them, but, in the opinion of the Court, does not change its character as to others. "Many persons," it was observed, "can, by habit, lose to some extent their sensibility to a disturbing noise as they can, to a disagreeable taste or odor or sight, or their susceptibility to a particular poison; but it is because they become less than ordinarily susceptible to the particular impression. In this case the evidence shows that persons were awakened and disturbed by the bell, until they had lost ordinary sensibility to its sound." The Court also