

attorney in reference to condonation as a bar in divorce.

The rule of law is familiar, that continued cohabitation, after the discovery of marital infidelity, amounts to a condonation or pardon of the offence. But there is considerable difference of opinion as to whether this rule is applicable upon evidence of continued residence together as man and wife without marital intercourse.

Dr. Lushington seems to use the term "cohabitation" for actual connection; as, for instance, where he says that "when a husband has received information respecting his wife's guilt, and can place such reliance on the truth of it as to act upon it, although he is not bound to remove his wife out his house, he ought to cease marital cohabitation with her." And a cohabitation is often spoken of as being voluntary or otherwise on the part of the wife, implying that it is more than co-residence.

We presume the general impression of the profession, and the theory upon which issues of condonation are usually tried, is that actual marital intercourse is essential, but that it may be presumed, and in some cases will conclusively be presumed from continued residence together: while, on the other hand, being at home under the same roof is not in itself cohabitation in the sense that as matter of law it amounts to condonation.

Mr. Bishop (Marriage and Divorce, vol. I, sec. 777, note) appears to hold that the only proper meaning is residence together. He says that he is not aware that other judges than Chancellor Walworth have used the word in any closer sense. In this he does not speak with his usual exactitude. The word is continually used as clearly in the one sense as in the other, and if we are not mistaken his own pages show instances of this. The question to which we advert is, which of the senses is the proper one to give to the term in the rule that cohabitation is condonation.—*N. Y. Daily Register.*

#### INSOLVENT NOTICES, ETC.

*Quebec Official Gazette, Jan. 9.*

##### Judicial Abandonments.

Charles Labounta, Sherbrooke, Dec. 26.

Anselme Plamondon, trader, St. Marcell, district of Richelieu, Dec. 29.

Gagnon & Dion, grocers, Quebec, Dec. 26.

Jean Edem Trottier and Jean Irénée Trottier (J. E. Trottier & Fils), manufacturers, Three Rivers, Jan. 4.

##### Curators Appointed.

Charles W. Mayotte.—Kent & Turcotte, Montreal, joint curator, Dec. 31.

George Venner.—Kent & Turcotte, Montreal, joint curator, Dec. 23.

Joseph C. Beauvais.—Kent & Turcotte, Montreal, joint curator, Jan. 4.

Courteau Frères.—C. Desmarteau, Montreal, curator, Dec. 26.

Zephyre E. Martin.—F. P. Benjamin, merchant, Montreal, curator, Dec. 24.

Michael Hayes, township of Sheen, county of Pontiac.—W. Alexander Caldwell, Montreal, curator, Jan. 2.

Thomas A. Armstrong.—Kent & Turcotte, Montreal, joint curator, Jan. 2.

##### Sale in Insolvency.

*In re* The Beaver Lumber Co.—Sale of immoveables, in parish of Yamachiche, at 2 p. m., Jan. 28.

##### Separation as to Property.

Dame Charlotte Craven against Alfred Benn, agent Montreal.

##### Expropriation.

Dame Délina Lavigne, widow of Zotique Hudon dit Beaulieu, Montreal. Notice of deposit of \$3,843.60. Creditors to file oppositions within one month.

#### GENERAL NOTES.

The number of stamps sold at the Montreal Court House during the year 1885 was 137,558, and the value was \$112,601.50.

In *The Scraglio*, 54 Law J. Rep. P. D. & A. 76, it was held a contempt for the owners of a ship to disregard an arrest made by telegraph.

The London *Law Times* says that fees of 100 guineas a day were paid to each of the two leading counsel for the defendants in the Armstrong case.

The Supreme Court of Oregon has held that it is error to keep a prisoner in fetters during the trial, *State v. Smith*, 3 Pac. Rep., 343, citing *People v. Harrington*, 42 Cal., 165 and *State v. Kring*, 1 Mo. App., 438; s. c. 64 Mo., 591.

A curious anecdote connected with the birth of the Prince of Wales has been republished lately. It has, it appears, been the custom for the officer on guard at St. James' Palace to be promoted to the rank of major when a royal child is born. On the day the Prince of Wales came into the world the guard was relieved at 10.45 a.m. Three minutes later the Prince was born. The question arose which officer was entitled to promotion. The officer of the new guard claimed it because the relief marched in before the birth and the keys were delivered over to him, but the officer of the old guard claimed it because the sentries had not been changed at the time the child was born. His men were still on their beats, and he disputed the circumstance about the keys, arguing that in all probability their delivery to the officer of the new guard had not taken place at the moment of the birth. Although there was no precedent, the old guard got it.