

when the obstruction to the rights of the public is of such a character that it may with equal facility be removed by other constituted authorities and public officers. There must be a want of adequate, sufficient remedy, and the injury to public rights must be of a substantial character, and not a mere theoretical wrong."<sup>(1)</sup>

By Pub. St. c. 106, § 77, it is provided that "the mayor and aldermen or selectmen of a place in which pipes or conductors of such a corporation (*i.e.*, gas-light companies) are sunk, may regulate, restrict, and control all acts and doings of such corporation which may in any manner affect the health, safety, convenience, or property of the inhabitants of such place." A convenient tribunal is thus provided with adequate authority to remedy all the grievances set forth in the information, which consist solely in the attempt to open and dig up Terrace street. There is no averment that any application has been made to the mayor and aldermen, and relief refused. The case thus falls directly within the principle of the decision in *Attorney General v. Metropolitan R. R.* <sup>(2)</sup> In a case which, like the present, is brought to sustain private interests, there is no occasion for the interference of this court, at least until it appears that a real and substantial injury exists or is threatened, and that the mayor and aldermen have refused relief upon due application to them.

The information also prays that proceedings in the nature of a *quo warranto* shall be taken by the court to restrain the defendant from further use of its corporate power, and from usurping public franchises to which it is not entitled. But if the attorney general seeks such a remedy, it should be by an information *ex officio*, and not by an information brought primarily for the protection of private interests."<sup>(3)</sup>

The bill was dismissed and the demurrer sustained.—*Cent. Law Journal*.

(1) *Attorney General v. Metropolitan R. R.*, 125 Mass. 515, 516.

(2) See, also, *Attorney General v. Bay State Brick Co.*, 115 Mass. 431, 438.

(3) *Com. v. Union Ins. Co.*, 5 Mass. 280, 232; *Rice v. National Bank*, 126 Mass. 300.

#### INSOLVENT NOTICES, ETC.

*Quebec Official Gazette*, Nov. 13.

##### Judicial Abandonments.

John McLean, trader, Murray Bay, Nov. 6.  
Nathaniel Michaud, trader, St. Eloi, Nov. 8.

##### Curators appointed.

*Re J. G. Gingras & Co.*, printers, Quebec.—H. A. Bedard, Quebec, curator, Nov. 8.  
*Re J. A. Lavigne*, trader, Trois Pistoles.—H. A. Bedard, Quebec, curator, Nov. 10.  
*Re Wilson & Cowley*, printers, Montreal.—J. M. M. Duff, Montreal, curator, Nov. 10.

##### Dividends.

*Re Auguste Laberge*.—First and final dividend payable Nov. 29, E. Begin, Quebec, curator.  
*Re Cyprien Lemaire*, Ste. Madeleine.—First dividend, payable Dec. 4. Kent & Turcotte, Montreal, curator.  
*Re Joseph Lemieux*, St. Isidore.—Final dividend payable Dec. 4. Kent & Turcotte, Montreal, curator.  
*Re L. N. Simoneau*, Victoriaville.—First dividend, payable Dec. 4. Kent & Turcotte, Montreal, curator.

##### Separation as to property.

Julia Hannah Andres vs. Herbert Taylor, trader, Montreal, Nov. 16.  
Virginie Bourgeois vs. Charles Ledoux, trader, St. Hyacinthe, Nov. 9.  
Christine Peltier vs. Pierre Menard, farmer, Barnston, Oct. 28.

##### Minutes of notary.

Minutes of Ferdinand Faure, St. Henri, transferred to A. C. A. Bissonnette, N. P. St. Henri, Nov. 9.

##### Members elected.

A. E. E. Lussier, Verchères; A. Boyer, Jacques Cartier; J. O. Villeneuve, Hochelaga; O. Baldwin, Stanstead.

#### GENERAL NOTES.

"Not long ago a lawyer from one of the western States, who had never visited Washington before, came here to argue a case before the Supreme Court," writes the Washington correspondent of the *Boston Traveller*. "He created a sensation which made the chills creep up and down the backs of the venerable justices who had to listen to him. When he came into court he wore a red flannel shirt, coarse woollen clothes and cowhide boots. His hair hadn't seen the scissors for several seasons, and the razor was a stranger to his face. At first he was taken for a crank, but when the case was called, the court soon found out that he was a man of great ability. The question at issue was involved in a patent suit, and was quite intricate and complicated. It took the country lawyer two days to argue the case, and he finally won it. After adjournment on the first day one of the court officers suggested that a white shirt, collar, cuffs, and cravat would make an improvement in his personal appearance. The lawyer told him that he didn't own one. The next day however he wore a paper collar about the width of an ordinary cuff, pinned on to his red shirt."