

sitting beside him, so as to produce a miscarriage, no action could have been maintained.

By a proclamation, dated Dec. 19, and published in the *Quebec Official Gazette* of Dec. 22, it is declared that the Revised Statutes of the Province of Quebec shall come into force January 1st. Lists are annexed of the Acts passed in the sessions of 50 Vict. and 51-52 Vict. which have been incorporated in the roll of Revised Statutes.

Mr. Justice Stephen made almost an all-night sitting at the Devon Assizes, Dec. 7, 8. On Dec. 7, being due at Bristol on the following day, the Judge decided to make an effort to finish the Devonshire list. At eleven o'clock at night, however, a burglary case had still to be tried, and the Judge put it to the jury whether they would proceed or meet again next morning. The majority were in favor of going on. Some who wished to get away, were released, and others took their places. The case was concluded at two o'clock in the morning of the next day, the session of the Court having lasted sixteen hours. Mr. Justice Stephen left Exeter at 10.30 a.m. the same day.

THE LATE MR. JUSTICE BADGLEY.

On Christmas Eve, at Montreal, passed away the Hon. Mr. Justice Badgley, at the venerable age of 87. The same year has witnessed the demise of Justices Monk and Badgley who during many years occupied seats on the same bench of the Superior Court, and afterwards in the Court of Appeal. Mr. Badgley was a member of the Sherwood-Badgley administration formed in 1847. During a long judicial career, he was distinguished for astuteness, industry, and learning, and the many opinions which he prepared, more especially in commercial causes, remain to bear witness to his high qualifications for judicial office. The infirmity of hearing, under which he labored during the greater part of his lifetime, finally compelled his withdrawal from the bench in 1874. He retired with great reluctance, as he felt himself otherwise fully qualified to continue the discharge of his duties.

After his resignation, finding the unwonted leisure becoming irksome, he opened an office as consulting counsel, and gave opinions in a number of cases. For a year or two past, however, his health has declined, and he has been compelled to relinquish all work. In private, Mr. Justice Badgley was a gentleman of courteous and affectionate disposition. He had literary tastes, and was conversant with a large range of authors. He also found some amusement and relaxation in botanical pursuits and the collection of ferns and other plants.

CIRCUIT COURT.

HULL, (County of Ottawa), Oct. 22, 1888.

Before WURTELE, J.

THE CANADIAN PACIFIC RAILWAY COMPANY,
Appellant, v. THE CORPORATION OF THE
CITY OF HULL, Respondent.

Railway Company—Return showing value of land—When not contested, to be followed by valuers—Appeal.

- HELD:—1. *That railway companies, whose railways pass through municipalities governed by the Municipal Code, or by Town Corporation general clauses Act, should yearly, in the month of May, transmit to the Municipal Council a return showing the value of the land occupied by the road, according to the average value of agricultural land in the locality and the actual value of their other real estate.*
2. *That such return may be contested by a suit before the Superior Court.*
3. *That when it is not contested, the valuers of the municipality must value the real estate of the railway company, according to the value specified in such return.*
4. *That when such return has not been transmitted, the valuers are bound, in making the valuation of the land occupied by the road, to value it according to the value of land used in the vicinity simply for agricultural purposes, without including in the valuation the value of the superstructure.*
5. *That in the event of the valuers failing to conform to these provisions, a railway company may complain of the valuation made*