

fore, was that in the Province of Lower Canada, quite apart from the code and its provisions, the prerogatives of the Crown there existed and had not been taken away. The learned counsel then discussed the next question, whether under the French law the privilege of the Crown applied only to comptables, in the sense of the officers of the Crown, and cited authorities to show that it did not.

The Court adjourned till Saturday.

On Saturday the hearing of the appeal was resumed, and Mr. *Church, Q.C.*, addressed their lordships in support of the claim of the Crown. He pointed out that by the treaty of Paris, by which Canada was ceded to Great Britain, an express renunciation of all his prerogative rights was made by the King of France. This fact, he submitted, put an end to the question whether the law of France would apply, and therefore it remained to be seen whether by the Civil Code of Canada the prerogative of the Crown was affected. Now the object of the code was to conciliate the new subjects of the Crown, and this being so it must have been only for the purpose of enabling them to use among themselves, and for the ordinary affairs of life, the rights so introduced. It did not, as he submitted, affect the relations between the Crown and the subject, but only between subject and subject. In the last contingency—the applicability of the French law—he contended that the prerogative of the French Crown was so extended as to give a right of preference over all debts.

Mr. *Horace Davey, Q.C.*, in reply on behalf of the appellants, said that if their lordships decided that the prerogatives of the Crown were in Lower Canada the same as in all other parts of the British dominions, they would be overruling a long and unbroken course of judicial decisions in Canada, which decisions had now become settled law in that country, and he submitted that their lordships would not do this without the very strongest reasons, which reasons, he ventured to say, had not been shown in the present case. The learned counsel having referred in detail to the arguments put forward on behalf of the Crown and replied upon them at length,

Their lordships reserved judgment.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Jan. 2.

Judicial Abandonments.

Joseph Bergeron, merchant, Saint Hyacinthe, Dec. 26.

Pierre Déry, hotel-keeper, parish of Saint Roch de Québec, Dec. 3.

W. & A. Couture, fishmongers, La Grande Rivière, Gaspé, Dec. 14.

Curators Appointed.

D. H. Roehon, West Farnham.—Kent & Turcotte, Montreal, joint curator, Dec. 23.

Luke J. Erly, hatter & furrier, Montreal.—Chas. H. Walters, Montreal, curator, Dec. 19.

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

Pierre Déry, hotel-keeper, parish of Saint Roch de Québec.—Ed. Begin, Quebec, curator, Dec. 26.

Marcel Richard, district of Joliette.—C. Desmarteau, Montreal, curator.

Cadastre deposited.

Parish Saint Guillaume d'Upton, county of Yamaska. Hypothecs to be renewed within two years from Jan. 25, 1886.

Actions en séparation de biens.

Elise Hesse, wife of Joseph Bachand, saddler, Montreal.

Jeanne Mélanie Raynal, wife of Jean Bertrand Sagazan, Montreal.

GENERAL NOTES.

The decision of Mr. Commissioner Kerr that when a creditor asks his debtor to pay him by postal order, and the order is sent but goes astray in the post, there has been a good payment, seems in accordance with the cases. In *Warwick v. Noakes*, Peake, 67, it was held that if a debtor is directed by his creditor to remit money by the post, and it is lost, the creditor must bear the loss. To ask a debtor to send a postal order is, of course, to ask him to send the postal order by post. There must, on the other hand, be no negligence in the debtor carrying out the request. The letter must be plainly directed and to the right address.—*Law Journal* (London).

When the *Serapis* last left Bombay the Duchess of Connaught intrusted a favorite cat to a sergeant of the Royal Artillery for conveyance to England. The cat appears to have been in a delicate state of health, whence, I suppose the solicitude of Her Royal Highness on the animal's behalf, and before arrival in England a litter of kittens was born. On reaching Portsmouth the sergeant was allowed to take away the cat, but the authorities of the ship declined to part with the kittens, for which the ship's company had a superstitious regard. Only one cat, they contended, had been embarked, and they had no power to discharge any more. It is stated that a bulky correspondence has already taken place on the subject, and that the difficulty is as far as ever from being settled. In the event of a child being born on board the ship, would the authorities have insisted upon their right to retain it?—*London Truth*.