

The Legal News.

VOL. V. FEBRUARY 4, 1882. No. 5.

THE MONTMAGNY ELECTION CASE.

On the 23rd ultimo, Mr. Justice Angers held in the Montmagny election case that as there were conclusions taken against the returning officer, he was entitled to security over and above the \$1,000 deposited with the petition. In the Verchères case, which will be found in the present issue, there was no conclusion against the returning officer, and he was held by Mr. Justice Johnson not to be entitled to security, as he had not appeared or asked for it, and the candidate had no interest in asking it for him. The two decisions do not conflict; but if, as was held in the Montmagny case, every returning officer who is made a party to a petition is entitled to security, then, in case the candidates returned at the last election in Montreal had been petitioned against, and all the returning officers had been made parties to the petitions, \$190,000 security would have been required, an inconvenience, to say the least, requiring perhaps the attention of the Legislature.

QUEEN'S COUNSEL.

The following members of the bar in the Province of Quebec have been appointed Queen's Counsel by the Governor General:—

Pierre C. Duranceau, Beauharnois.
 Edmund Barnard, Montreal.
 James Oliva, Montmagny.
 Frederick W. Andrews, Quebec.
 Didier J. Montambault, Quebec.
 Benjamin A. Globensky, Montreal.
 John Joseph Curran, Montreal.
 Melbourne M. Tait, Montreal.
 Charles Chamilly de Lorimier, Montreal.
 Louis Olivier Taillon, Montreal.
 Jules E. Larue, Quebec.
 Ivan Tolkien Wotherspoon, Montreal.
 Louis Tellier, St. Hyacinthe.
 Ernest Cimon, Chicoutimi.
 Donald Macmaster, Montreal.

Some remarkable omissions occur in the above list. For example, it has been generally noticed and as generally regretted that the name of the gentleman who fills the office of *Bâtonnier Général* of the Province as well as *Bâtonnier* of the District does not appear therein.

PROVINCIAL LEGISLATION ON THE SUBJECT OF INSURANCE.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

November 26, 1881.

Present:—SIR BARNES PEACOCK, SIR MONTAGUE SMITH, SIR ROBERT P. COLLIER, SIR RICHARD COUCH, SIR ARTHUR HOBHOUSE.

THE CITIZENS INS. CO. OF CANADA v. PARSONS.
 THE QUEEN INSURANCE CO. v. PARSONS.

Insurance—Statutory Conditions—Effect of failure to comply with the statute.

Where a policy (issued in this case by a Company incorporated by the Dominion Legislature) contains the ordinary conditions of the Company's policies, without any reference to the statutory conditions, the policy becomes subject to the statutory conditions and to them only.

[Continued from p. 32.]

THE CITIZENS INSURANCE COMPANY OF CANADA v. PARSONS.

This Company, whose incorporation has been already described, has its head office in Montreal, and carries on business in Ontario and the other provinces of Canada.

The Respondent insured with the Company, through its local agent in the town of Orangeville, Ontario, a building situate in that town, occupied as a hardware store, for one year in \$2,500, and, on the 4th of May, 1877, a policy of the Company containing this insurance was issued by the agent at Orangeville to him. This policy was made subject to the usual conditions of the Company, which were endorsed upon it. The following is alone material:—

"The assured must give notice to this Company of any other insurance effected on the same property, and have the same endorsed on this policy, or otherwise acknowledged by the Company in writing, and failure to give such notice shall void this policy."

"And this policy is made and accepted under the conditions above mentioned which are to be used and resorted to in order to explain the rights and obligations of the parties hereto in all cases not herein otherwise specially provided for."

The conditions contained in the Ontario Act were not printed in the policy, nor was any reference made to them in it.

On the 3rd August, 1877, the insured building was destroyed by fire. The Respondent thereupon brought the present action.

At the time the insurance was made and the