The Legal News.

Vol. XIV. OCTOBER 17, 1891. No. 42.

The case of *Coffin* v. *Quinn*, *ante*, p. 306, is, we believe, the first occasion on which a decision in the Magdalen Islands has appeared in the reports. These Islands, owing to their peculiar position, form a Circuit by themselves. The Court, which sits twice a year, has jurisdiction over civil causes whatever may be the amount. There is no local bar, the population of the Islands being only about five thousand. The pleadings in all cases are oral. There is regular connection with this territory but once a week, and the Judge who goes there to hold the Court is obliged to remain until the steamer returns from Pictou in the following week.

In *O'Connell* v. *East Tennessee, V. & G. Ry. Co.*, it was held by the Supreme Court of Georgia, May 27, 1891, that when a railway company erects an embankment for its track along the margin of a river, the accumulated waters of which, in times of flood, had previously escaped on that side, it being lower than the other, but which thereafter, and because of the embankment, overflowed the opposite side more than it had done before, and thus injured land there situate, the owner has a right of action against the company; or if, by the erection of such embankment, the river was deflected from its natural course, or deposits were made therein so as to raise its bottom, and from either of these causes such land was injured by the river when swollen, a recovery may be had for the damages thereby occasioned. Reference was made by the Court to the English case of *Rex* v. *Commissioners, etc., of Pagham*, 8 Barn. & C. 355, in which it was held that an owner of land on the seashore could erect works to protect his land from encroachments by the sea, without liability for damage inflicted on his neighbor. The sea was called a "common enemy," against which each might fortify at will. But this doctrine was held not to apply to a case like that of *Rex* v. *Trafford*, 1 Barn. & Adol. 874. In the case last cited it appeared that a canal had been built by authority of Parliament, and carried across a river and the adjoining valley by means of an aqueduct and an embankment containing several arches. A brook fell into the river above its point of intersection with the canal. In times of flood the water, which was penned back into the brook, overflowed its banks, and was carried by the natural level of the country through the arches into the river, doing much mischief to the lands over which it passed. The aqueduct was sufficiently wide for the passage of the river at all times but those of high flood. The occupiers of the injured lands adjoining the river and brook, for the protection thereof, erected banks (called "fenders") so as to prevent the flood-water from escaping, consequently the water, in time of flood, came down in so large a body against the aqueduct and canal as to endanger them and obstruct the navigation. The fenders were not unnecessarily high, and without them many hundred acres of land would be exposed to inundation. It was held that the defendants were not justified, under these circumstances, in altering for their own benefit the course in which the flood-water had been accustomed to run; that there was no difference in this respect between flood-water and an ordinary stream; that an action would have lain at the suit of an individual, and consequently that an indictment lay where the act affected the public. The conviction was accordingly sustained. Tenterden, C. J., observed: "It has long been established that the ordinary course of water cannot be lawfully changed or obstructed for the benefit of one class of persons, to the injury of another. Unless therefore a sound distinction can be made between the ordinary course of water flowing in a bounded channel at all usual seasons, and the extraordinary course which its superabundant quantity has been accustomed to take at particular seasons, the creation and continuance of these fenders cannot be justified."

A point of some interest as to the sufficiency of notices was decided by the English Court of Appeal in *Mercantile Investment and General Trust Co.* v. *International Company of*

Mexico. By the trust deed notice of a meeting of debenture-holders had to be given "at least fourteen days before the date at which the meeting was to be held." Notice was given by newspaper advertisement on September 23 for a meeting on October 8, and there are fourteen clear days between these dates. It was, however, contended that notice by advertisement was not sufficient, and that if it was sufficient "the notice, though advertised on September 23, ought not to be held to have been given on that day, as it probably could not, or would not, reach the debenture-holders for some time afterwards." Some support was given to these arguments by the fact that three days before the meeting circulars were sent out to all debenture-holders whose addresses were known. The Court of Appeal rejected both contentions. They held that notice by advertisement was the ordinary course of business in such cases. They held, also, that the rule that notice is not good until it is received was inapplicable in the circumstances; otherwise, as the debenture-holders might be scattered all over the world, it would be impracticable to fix beforehand when any meeting could be held, and the limit of fourteen days would be rendered nugatory.

QUEEN'S BENCH DIVISION.

LONDON, Nov. 5, 1890.

CHITTY et al. v. BOORMAN et al. (26 L. J. N. C. 26.)

Partnership—Transfer of Business—Payment of Annual Sum out of Profits to Transferor—Liability of Transferor for Debts of Firm.

Appeal from the Tunbridge Wells County Court.

The facts were shortly these: The defendant, Robert Boorman, was the owner of a business at Tunbridge Wells. Being desirous of relieving himself of the management of it, he entered into a deed with his two sons, by which he transferred the business to them, and the sons agreed to carry it on and to pay their father a sum of £100 a year out of the profits. There was no evidence that the sons gave any consideration for the transfer, and there was no assignment of the stock-in-trade. The business was to be carried on under the name of 'Boorman Brothers.' The defendant, Robert Boorman, was at all times to have access to the books, etc., and if at any time he was not satisfied with the way in which the business was carried on he was to be at liberty to retake possession of it. The sons carried on the business for several years under the deed, and during that time ordered goods of the plaintiff and others for the purposes of the business. The defendant, Robert Boorman, not being satisfied with the way in which the business was carried on, retook possession of it under the provisions of the deed. The plaintiffs thereupon brought an action for the price of the goods they had supplied to the firm, claiming to make him liable as a partner. The County Court judge held that no partnership existed. The plaintiffs appealed.

Henn Collins, Q.C., and *Gore*, for the plaintiffs, argued that the father continued the real owner of the business, or, at least a partner in it, and that he was, therefore, liable.

Clarke Williams, for the defendant, contended that the business had, by the deed, been absolutely transferred to the sons of Robert Boorman, and that he thereupon ceased to be a partner.

HAWKINS, J., was of opinion that the appeal must be allowed, and judgment entered for the plaintiffs. The sons paid no consideration for the transfer of the business, and it was merely passed over to them in order that they might carry it on, the father retaining a right to a share of the profits. No property really passed by the deed from the father to the sons. The clause by which the father was at all times to have access to the books, accounts, etc., was utterly opposed to the view that the business had been absolutely handed over to the sons. Moreover, the provision giving the father the power to retake possession of the business would deprive the creditors of the firm of all security unless he were held to be a partner. The arrangement clearly constituted a partnership, and the father was, therefore, liable.

STEPHEN, J., was of the same opinion.

QUEEN'S BENCH DIVISION.

LONDON, Feb. 5, 1891.

In re GRIFFITH et al.

Solicitor—Refusal to Charge for Services rendered to Client—Power of Court to Order Delivery of Bill of Costs—6 & 7 Vict. c. 73, s. 37.

Appeal from chambers.

Messrs. Griffith, Eggar & Griffith, a firm of solicitors, had conducted some proceedings in the Divorce Court on behalf of certain clients. The solicitors alleged that there was a verbal agreement that they should receive a sum of £1,000 for their services. After they had been employed a short time, the clients paid them £500 on account of expenses. Upon the termination of the proceedings, about two years later, the solicitors applied for the balance of £500. The clients demanded a bill of costs, with items, denying that they had ever entered into any agreement to pay £1,000. The solicitors thereupon refused to deliver a bill, paid the £500 they had received on account into the clients' bank, and wrote a letter refusing to make any charge for their services. The clients then applied for an order under 6 & 7 Vict. c. 73, s. 37, that the solicitors should deliver a bill of costs; but the master, on reading the letter of the solicitors repudiating all claim in respect of costs, refused to make the order. POLLOCK, B., affirmed the master's decision. The clients appealed.

The COURT (WILLS, J., and WILLIAMS, J.) were of opinion that the decision appealed from was correct; section 37 of 6 & 7 Vict. c. 73 had no application except in cases where there was a 'party chargeable,' and, after the solicitors' letter refusing to make any claim for costs, it was clear that the clients were not 'chargeable.' There was, therefore, no jurisdiction to make the order asked for, though the case might have been different if any misconduct had been imputed to the solicitors, by reason of the inherent power possessed by the Court over its officers.

Appeal dismissed.

JUDICIAL SALARIES.

In the Senate, Sept. 24, Hon. Mr. Dickey rose to "call the attention of the House to the inadequacy of certain judicial salaries in the Superior Courts of the Dominion; and to enquire whether it is the intention of the Government to propose a remedy for the existing state of things?" He said: In calling attention to the insufficiency of the judges' salaries throughout the superior and higher courts of the Dominion, I wish to say that I do it on my own mere motion, and not on the suggestion of anyone. I have no personal interest in the matter beyond that which attaches to any member of this House who is interested in having an efficient administration of justice. Hon. gentlemen will all agree with me, I think, that this end will not be attained unless by an adequate and independent judiciary. The scale of salaries attached to those high offices was arranged shortly after Confederation, and I may say, speaking generally, without going into particulars, for I do not propose to quote figures, that the scale was made upon a basis of the salaries in the two larger provinces, being about $1,000 above those of the smaller provinces. I do not stand up here to contend for a hard-and-fast uniformity in a matter of this kind, because the circumstances of the various provinces are somewhat different; yet, as the jurisdiction of the different courts is co-ordinate, I think some regard should be paid to this in any readjustment of salaries. A short time ago we had an hon. gentleman of this Senate called to a high position in Quebec. He was an ornament to this House, as I am quite sure he will be an ornament to the ermine that he wears. It has leaked out, and I presume it is correct, that his hesitation for a time in accepting that high position arose entirely upon the question of the insufficiency of the salary attached to the office and necessary to the maintenance of the high position which he occupies. That, I am prepared to say, is not a solitary instance. I am not standing here as an advocate of high salaries. I merely call the attention of the Government and the House to the position of this matter, and in connection with the fact that those salaries were arranged nearly a quarter of a century ago.

During that period, which has been the life of the nation to which we belong, we have seen throughout very large increases, beginning with the indemnity of the members of Parliament, and increases in salaries of Ministers, and increases in the salaries of almost every public officer down to the bottom, and yet the salaries of judges have remained stationary. Nor can it be said that the wants of those judges and the purposes for which salaries have been given have been lessened during that period. On the contrary, I think we must all admit that not only have the exigencies of their position been greater, but their salaries have remained in a position which scarcely enables them to maintain the social position which they occupy, much less meet the increased cost of living. My hon. friend, who will answer this question, whom we have all gladly welcomed as the leader of this Government, will hardly wish to see the American system introduced into this country. I am quite sure he would shrink from the idea of any judge being obliged to descend from the bench into the forensic arena in order to obtain a living for himself and family. I do not wish to make any suggestions, and I trust that in the few observations that I have made I have not imported anything into the question of a controversial character.

Hon. Mr. Kaulbach—This is not exactly in the nature of a question, and therefore I think I am in order in making a few remarks on the subject. I quite agree with my hon. friend in all that he has said, as to the necessity for the effective administration of justice, of gentlemen occupying such high positions being paid suitable salaries. I also appreciate the skilful manner in which he has brought this question before the House and the Government. It involves a money vote, and the hon. gentleman has put his question in such a manner that it is not open to objection on that score. I am sorry that he has confined his remarks to the judges of the Superior Courts. The inadequacy of salary of which he complains is not confined to those judges, but extends also to the County Court judges. There is a remarkable instance of the kind in Halifax. Hon. gentlemen know that the judge of the County Court of Halifax is a man of the highest standing, learned in the law, and having most important duties to perform. The public have confidence in his judgments. The amount of work that he does exceeds that of a Superior Court judge, and, in fact, is larger than the work done by all the other County Court judges in the province. He has a social position as high as that of any judge of the Superior Court, and the cases which come before him require as great knowledge of law and judicial capacity as those which come before the highest courts. I brought this matter before the Minister of Justice some years ago, and he saw the injustice that was done to that gentleman, but he felt that he could not very well take an isolated case. He promised that some time in the future—in the not far future—the whole question of the judges' salaries would be considered, and he thought that this was a case that was worthy the consideration of Parliament. I hope, therefore, that the Government will specially consider this case to which I have referred. Something must be done to remedy the injustice which has been done so long to the County Court judge at Halifax.

Hon. Mr. Scott—I am very glad that the hon. gentleman from Nova Scotia has brought up this subject, although it is one that has been from time to time brought before the notice of Parliament in another place during the last ten years. Speaking more particularly of the Province of Ontario, with which I am familiar, I do not hesitate to say that the judges of the higher courts are very much underpaid. The hon. gentleman expressed the hope that we would not have to adopt the American system. There is one feature of that system that I approve of—that is, the remuneration of the judges. The salaries paid to judges of the New York courts are at least twice as large as those paid to judges of the High Court of Justice or the Court of Appeals in Ontario. I do not think in any part of the world judges perform more work or are more painstaking than in the Province of Ontario, and it is quite probable, so far as my observations go, that the remark would equally apply to the other provinces; but I am familiar with the judges of Ontario, and I think we do not show the high appreciation in which those judges ought to be held in the

compensation that we offer them for their services. We boast of our judiciary, and claim that it is at least abreast of that of any country in the world—we think it is, perhaps, a little more than abreast, because the judges of Canada stand in a category peculiar to themselves. They are recognized wherever they are known as men of integrity, of painstaking habits and great capacity, and certainly they are deserving of much larger compensation than they receive. It is a matter of fact now that it is impossible, when vacancies arise, to select men in the first rank of the profession. It is important that such men should be chosen, men who are familiar with the events of the day, because the character of the business that is now before the courts differs greatly from that which came before the courts some years ago. The cases are becoming more intricate and complicated, much larger sums are involved, and more important matters come up than had to be dealt with in the early history of this country, but the salaries have not kept pace with the character of the business. It is a very great mistake in any community to underpay or undervalue the services of the judges. They are the most important men in the community. They are the men who decide all our disputes of the highest character, cases involving hundreds of thousands of dollars. It is left to them, and it is a matter of the highest consequence, when vacancies occur, that men in the first rank of the profession, who are in the swim of the business of the country, should be selected to fill them. I will not mention names, but a dozen names must occur to anyone familiar with the profession, especially in the two larger provinces of Ontario and Quebec, of gentlemen who would not accept a position on the bench with the salaries attached to them at present. I have in my mind's eye a gentleman who has been frequently offered the highest position on the bench, but he says: "No; my income is three times larger than the salary; why should I present my services to the country? I can make fifteen to twenty thousand dollars a year and not work as hard as the judges do." I know several men in the profession in Ontario who can make that amount, and who, if asked to take a seat on the bench, would refuse to sacrifice themselves for the benefit of the country. On the other side of the line it is different. I was not aware that this question was coming up to-day. I have not, therefore, prepared myself with the figures; but anyone who will refer to the statistics of the United States will find that the salaries paid the judges there are more than double the salaries paid to judges in Ontario and Quebec. We are proud of our judges, and we should compensate them. The cost of living has increased of late years; the cost of keeping up a social state has grown of late years, and this country would be warranted in paying the judiciary higher salaries. From time to time the subject has been brought up elsewhere, and governments have promised to consider it. As far as I can gather, the difficulty seems to be in adjusting between the several provinces, because it is felt that the business in some of the provinces is very much greater than in other provinces. It does not seem fair; the bench expected it and were entitled to look for it. I hope the Premier will see his way to adjusting this question.

Hon. Mr. Allan—I should like to add a few words to what has been said on this subject. I am quite sure that I express the opinion, not merely of the members of the profession in Ontario, but of very large numbers of laymen, who think that the present salaries of judges of the Superior Courts are altogether inadequate. My hon. friend here has spoken of the necessity of the judges keeping up a certain social state befitting their position, but it would be an absurdity for them to attempt anything of the kind. In the present condition of things, I know, and I think I can speak with some degree of certainty on the matter, that the great majority of our judges, unless they have private means, would find it impossible to entertain or show that hospitality befitting their position. Besides, everyone knows that in the last few years the cost of living has greatly increased and is out of all proportion to what it was when compared with the salaries of judges 25 years ago. I can confirm also what has been said by the hon. member from Ottawa, and it is a fact of which we in Ontario are all perfectly aware, that many gentlemen

of high standing in the profession, who would certainly have been placed on the bench if they would have accepted judicial appointments, have declined, simply because they felt that they would be making enormous sacrifices if they did so. I do not think there is any position that a man could fill where it is so essentially important that his mind should be free from any worry or anxiety on pecuniary subjects. I think a judge ought to have such a salary paid to him that he can feel that he can give his whole attention to the duties of his office, without being perpetually worried by financial considerations or as to how he can possibly go on from day to day meeting the requirements of a large family, or how that family shall be provided for after his death. Certainly, if there is any class of men deserving of the greatest consideration, and whom it is our interest in every way to place in such a position that they can fill their duties without distraction, it is the judges of the land. I know a strong feeling has existed on this subject for a long time in Ontario, and we have frequently been told that some step would be taken to remedy this state of things; but session after session has passed without anything being done, and I heartily re-echo the wish expressed by my hon. friend from Ottawa, that the Premier will see his way to do something towards what might almost be called remedying an injustice which the judges of the Superior Courts have laboured under.

Hon. Mr. Power—I concur very much in what has been said by the hon. gentleman who preceded me. I think it is very essential that this question should be settled in some way. This matter of the arrangement of the judges' salaries has been before the country and before Parliament for many years, and it keeps the minds of the judges in an uncomfortable state of suspense, and possibly they at times are thinking of an increase of salary when they should be thinking of something more important to litigants. I trust that the Government at the next session—it is too much to hope that they will be able to do anything this session —will see that the question is settled. We have at the head of the Government a gentleman who is as well qualified as any other gentleman in the country to decide what the salaries of judges should be, and we have at the head of the Department of Justice and leading the House of Commons a gentleman who has been on the bench himself, and who knows from experience whether or not the present salaries are sufficient. Going from the general principle to a particular case, I wish to express my concurrence in what has been said by the hon. gentleman from Lunenburg with respect to the county judge of Halifax. The hon. gentleman has not exaggerated the amount of work done by that judge nor the difficulties of his position, and it has always seemed to me to be an anomaly tha the county judge of St. John, N.B., should receive as county judge $600 more than the county judge of Halifax, who does at least as much work, and the late county judge of St John was, in addition, in receipt of $300 a year as judge of the Vice-Admiralty Court. I do not know whether the successor of the late judge Watters will also be judge of the Vice-Admiralty Court, but I presume the Government intend to pay the successor of judge Watters $3,000—the same sum as that gentleman received. Then the judge of St. John receives a much larger salary than the judge of Halifax. The same is true of some important centres in Ontario. Leaving out of consideration the many years that Judge Johnston has been receiving a very inadequate salary, he should now be receiving $3,000 a year, and I hope that if a reconstruction of the salaries does take place at an early date, the Government will not overlook the case of Judge Johnston. Then, with regard to the principle upon which the salaries of judges should be re-adjusted, I regret to say that my own views on the subject are not altogether in harmony with the views of other gentlemen who come from the smaller provinces. My view is that the country should pay the judges such salaries as will secure for the bench the best talent in the provinces. I do not say that we should pay salaries that will be equivalent to the sums made by the very first lawyers in Toronto and Montreal, because hon. gentlemen will see by the language used by the hon. gentleman from Ottawa that some of these gentlemen are making from $15,000 to $20,000 a

year. I do not think the country can pay those amounts, but we can get first-class men for salaries much less than those, and a good many of those gentlemen who are in receipt of large incomes from their practice would be willing to accept smaller sums when appointed to the bench. I think that is the true principle, that the Government should pay such salaries as will procure the best talent in the province. If that principle is adopted, the salaries in the smaller provinces will be less than the salaries in the larger provinces. In the larger provinces, and in the cities of Montreal and Quebec, the judges would need to be paid larger salaries than the judges in the lower provinces. I do not mean to say that the salaries of the judges in the lower provinces might not be added to with justice and fairness. As one member from the lower provinces, I would not be disposed to urge that the judges from Nova Scotia, for instance, should be paid the same salaries as the judges from Ontario. We go into the market, as it were, and pay market value for the article we are getting, and the best talent in Nova Scotia can be obtained at a more reasonable figure than the best talent in Ontario, or the best talent in Montreal.

Hon. Mr. Wark.—The discussion seems to run on the ground that it is always the first-class men that find their way to the bench. It is over forty years since we got responsible government, and whatever benefit it has been in other respects, it certainly has not placed the best men at the bar on the bench. The men who reach the bench are generally successful politicians. That is the general rule, and very often the best men at the bar remain at the bar, while men not equal to them find their way to the bench. So far as New Brunswick is concerned, the salaries of our puisne judges were only $2,400 at Confederation. They are now paid $4,000, and we certainly have not superior men on the bench to the men who sat on the bench at salaries of £600 a year. In those days the Chief Justice had £700. The salary of the Chief Justice now is $5,000. He is a very respectable man certainly, but the judges on our bench are not, certainly, superior men to those who filled the office at lower salaries, nor do we expect the best men to reach the bench under our present system.

Hon. Mr. Dever—I presume we are all in favour of seeing our public men properly remunerated for their services. That is the general opinion of the people of this country who think on this matter; but certainly to some people it is a marvel that the judges are not satisfied with their present salaries, when we look back and remember that some of the most talented men in this country received salaries as judges of only £600 per annum. I have in my mind at present a gentleman who is recognized as one of the superior judges of this country—if not the most superior as to reputation. I remember distinctly when that gentleman was raised to the judiciary in New Brunswick he only received £600 per annum. He was known as one of the greatest lawyers we had, and to-day he is universally looked upon as one of our best judges; and as far as I can learn, his salary is some $10,000.

Hon. Mr. Abbott—$5,000.

Hon. Mr. Power—$8,000.

Hon. Mr. Dever—He is getting $10,000, I think. At all events, he is getting a very large salary, and I have not the slightest doubt he is worthy of it and much more, and I hope if the Government take into consideration the advancement of the salaries of judges that that gentleman will be considered according to his merit. With reference to the judge at St. John, referred to as the county judge, deceased within a short time, that gentleman had been a long time in politics, and from the fact that he was a prominent politician in New Brunswick it was considered he should be raised to the Supreme Court, but instead of that he was placed in the County Court. His salary had been raised from time to time until it reached $3,000 per annum. The gentleman who succeeds him now is well worthy of the position, and I would be happy to find if the judges of other provinces have their salaries advanced that he is to be considered also. I hope the hon. Premier will not forget it. We must also consider that other people have claims in this respect as well as judges. It is pretty well understood that many of our public men are not properly paid—in fact, it is generally

felt by this Parliament that the remuneration should be more than it is at present. It is well known that the cost of living in this country has almost doubled.

Hon. Mr. Dickey—That answers the £600 argument.

Hon. Mr. Dever—Yes; I believe that when the judges were appointed at £600 they could maintain as good a position in society on that salary as they can to-day on $5,000. What the reason is I do not know, but I know the general opinion is that judges' salaries are too low, and I hope the Government will see their way to make them more uniform and more satisfactory to public men. I have no particular interest in one judge more than another. I am not fortunate enough to have any relation for whom I speak. I simply speak for the whole judiciary, and I trust that they will be treated in such a manner that they can live comfortably, and not have reason to complain, as many of them do, that their salaries are too small.

[Concluded in next issue.]

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Oct. 24.

Judicial Abandonments.

Joseph Edouard Alain (J. E. Alain & Co.), furniture dealer, Quebec, Oct. 19.

Blondeau & Gravel, Quebec, Oct. 14.

Joseph Benjamin Dagenais, contractor, Montreal, Oct. 15.

Dery & Cie, traders, St. Charles de Bellechasse, Oct. 20.

Dugrenier & Gagnon, traders, township of Ely, Oct. 12.

J. B. Fortier, trader, Ste. Clair, Oct. 21.

O'Farrell Gagné, brickmaker and trader, St. Jean Deschaillons, Oct. 19.

Jacob Gagné, trader, Rimouski, Oct. 16.

Joseph Giroux, hardware and paint merchant, Montreal, Oct. 17.

Edouard Morency, lumber merchant, Quebec, Oct. 16.

W. H. Larue, trader, Malbaie, Oct. 22.

Joseph Smith, trader, Cedar Hall, County of Rimouski, Oct. 20.

Curators Appointed.

Re C. E. Carter, Montreal,—G. H. Trigge, Montreal, curator, Oct. 19.

Re Dame Annie Meyers, trading under the name of Harris & Co., Lachine.—Kent & Turcotte, Montreal, joint curator, Oct. 22.

Re The Chateau St. Louis Hotel Co.—Owen Murphy, Quebec, curator, Oct. 14.

Re Martin L. Connolly, Lennoxville.—Millier & Griffith, Sherbrooke, joint curator, Oct. 15.

Re Cloutier & Cerutti, Three Rivers.—Kent & Turcotte, Montreal, joint curator, Oct. 21.

Re Dumaresq & Co., Montreal.—W. A. Caldwell, Montreal, curator, Oct. 19.

Re Joseph Dorais.—C. Desmarteau, Montreal, curator, Oct. 15.

Re Léonard & frère.—C. Desmarteau, Montreal, curator, Oct. 16.

Re Moodie & Graham, Montreal.—J. McD. Hains, Montreal, curator, Oct. 16.

Re Leude et Gustave Potvin, brickmakers, parish of St. Jean Deschaillons.—A. Gaumond, Quebec, provisional guardian, Oct. 19.

Re Alfred Robinson, Montreal.—J. McD. Hains, Montreal, curator, Oct. 16.

Re Cléophas St. Jean.—C. Desmarteau, Montreal, curator, Oct. 16.

Re A. C. Verreault.—C. Desmarteau, Montreal, curator, Oct. 16.

Dividends.

Re Armand Boyce.—Dividend sheet prepared, Henry Miles, Montreal, curator.

Re Isaïe Charbonneau.—First and final dividend, payable Nov. 12, C. Desmarteau, Montreal, curator.

Re Gaspard Germain.—First dividend, payable Nov. 6, D. Guay, Quebec, curator.

Re Pierre Leroux.—First and final dividend, payable Nov. 11, C. Desmarteau, Montreal, curator.

Re Frank Ouellet.—First and final dividend, payable Nov. 12, C. Desmarteau, Montreal, curator.

Appointment.

R. S. Joron, N. P., to be clerk of the Circuit Court for the County of Beauharnois.

GENERAL NOTES.

THE OATHS ACT IN ENGLAND.—"Every person upon objecting to being sworn, and stating as the ground of his objection, either that he has no religious belief, *or* that the taking of an oath is contrary to his religious belief, shall be permitted to make his solemn affirmation instead of taking an oath, *in all places and for all purposes* where an oath is or shall be required by law." So says the Legislature in the Oaths Act, 1888 (51 & 52 Vict., c. 46). Yet it has been stated on good authority that one of the coroners in the district of the administrative county of London has refused an atheist to "mix among jurors." We suppose that the comprehensive generality of the enabling words has made them less intelligible than they would otherwise have been. That they apply to jurors, whether summoned on a coroner's jury or any other jury, there is no shadow of a doubt. The admitting of atheists as jurymen and members of Parliament were the two main reforms effected by the Oaths Act. The Evidence Act, 1869, which admitted atheists as witnesses in a Court of law, did not apply to jurors, who before the Act of 1888 were, by 30 & 31 Vict., c. 35, s. 8, allowed to substitute an affirmation for an oath only in cases where they could declare that the taking of an oath was by their religious belief unlawful—*i.e.*, that they were possessed by an abundance of religious feeling—which is a very different thing from suffering from a complete want of it.—*Law Journal.*