The Legal News.

Vol. XII. JANUARY 19, 1889. No. 3.

The *Law Journal* (London), referring to the appointment of Mr. M'Intyre, Q.C., to a county court judgeship, mentions the curious fact that "a hundred years ago there had been no 'Mac' whether spelt at large or in brief, on the English bench, and since then we have only had Chief Baron Macdonald and Lord Macnaghten, the latter of whom fills an office not usually called by the name of judge. On the County Court bench we can recall no 'Mac' till last year, except the late Mr. Macnamara, who sat in Middlesex for a year." In the Province of Quebec we have none at present, but the late Justices Mackay and McDougall furnish examples. In Nova Scotia there has been a fair sprinkling. The Chief Justice is a McDonald. In Ontario they are most numerous. The County Court bench of Ontario has a McDonald, a Macdougall, a Mackenzie, a McCarthy, a McCrea, a Macpherson, and a McCurry. There is also a McMahon in the Common Pleas division.

The right of photographers to print photographs from the negative which remains in their possession, came up before Mr. Justice North in the case of *Pollard* v. *The Photographic Company*, Chancery division, Dec. 20. The plaintiff, Mrs. Pollard, had her portrait taken by photography at the defendants' shop at Rochester, and was supplied with a number of the photographs, which were of cabinet size and in vignette style. The photographs were paid for, but nothing was said with regard to the negative, which was retained by the defendants. They subsequently printed photographs from it, and after adding the words "A Merry Christmas' above the portrait, and 'A Happy New Year' beneath it, they exposed them for sale in their shop window, and sold them as Christmas cards. We presume that the face selected for such a purpose must have been beautiful, but Mrs. Pollard was not mollified by the compliment, and an action was brought by her husband, to restrain the defendants from exhibiting or offering for sale the photographs. The motion for an injunction was, by consent, treated as the trial of the action. Mr. Justice North held that the bargain between the customer and the photographer included, in the absence of any express provision to the contrary, an implied agreement that photographs were only to be printed from the negative for the use of the customer, and that the photographer was not entitled to print copies of the photograph for his own use, or for exhibition or sale to any one but the customer, unless the authority of the customer were given either expressly or by implication, and his lordship granted an injunction to restrain the defendants from so doing.

COURT OF APPEAL, ONTARIO.

Toronto, 1889.

Weir v. Canadian Pacific Railway Co.

Railway—Highway Crossing—Negligence—Evidence.

Osler, J.—Assuming that the defendants were guilty of negligence in not sounding the whistle or ringing the bell as the train approached the crossing, it was nevertheless, incumbent on the plaintiff to prove that it was this negligence which caused the injury which he complains of.

The facts appear to be that the plaintiff was driving homewards on a fine still moonlight night, and was approaching the crossing in question from the south. His home was about three miles further on, and he was familiar with the crossing, and knew that a train might be expected to pass about that time from the west. He was sitting sideways in his waggon facing the east. The road rises in a gentle slope to the railway track, which is visible from a point half way up the incline for a distance of about 300 feet west of the crossing, the view of course increasing the nearer the crossing is approached, until the track can be seen for a distance of 800 feet or thereabouts.

The plaintiff's own account of the way in which he drove up to the track and met with the accident is as follows:

Q.—Do you remember approaching the track that night when you were driving home? A.—I understand it thoroughly.

Q.—Tell us exactly in your own words, what you were doing and what took place? A.—Well, as I approached the track, I went up there just as carelessly and just as simply as I ever approached anything.

Q.—What do you mean by carelessly and simply? A.—Without any fear, I mean.

Q.—Did you look? A.—Well, I didn't; I was not, my attention wasn't arrested to any fact other than just simply allowing my going right along the way I always did.

Q.—As you approached the track did you, or did you not look? A.—Why, certainly I looked; it would be surprising if I didn't look.

Q.—Did you see any train? A.—No.

Q.—At what rate were you travelling? A.—The horses were walking up the approach there right up to the track.

Q.—It is up hill as you approach the track there? A.—Yes, it is up hill all the way.

Q.—Where were you when you saw the train? A.—I was just within about between time and eternity when the thing hit, and that's the last I heard of it.

Q.—Where were your horses? A.—Right on the track.

Q.—Did you see the train then? A.—I didn't see them till I tried to jog them backwards. I never seen the train till they were right on to me.

Q.—How far was the train when you first saw it? A.—Ten feet; well, it might be a rod or two probably.

Q.—You jogged along when you left Raglan; what sort of a seat had you? A.—Well, I had a seat that at one time was on top of the box, it was a spring seat, but it had been broken, and the thing was so that it wouldn't sit up any way, and I pulled the thing off and put it lengthways in the bottom of the waggon.

Q.—Which way did it face, toward the off horse or the nigh horse? A.—The off horse.

Q.—So that as you jogged along your back would be towards the west—towards the way the train came? A.—Yes.

Q.—Did you expect a train or not? A.—Well, I didn't know the time to a few minutes.

Q.—When you left Raglan did you think about the train? A.—No.

Q.—Did you think about the train between the time you left Raglan and the time of the accident? A.—No.

Q.—You were not looking out for bells? A.—Well, I knew I was going near a train.

Q.—Could you see the head-light? A.—Couldn't see anything; it was a beautiful night.

Q.—Moonlight? A.—Yes.

Q.—Did you see the head-light—the glare of it shining? A.—I couldn't say. That's not what startled me.

Q.—Can you say now whether you saw that or not? A.—No, I would not say anything about that. I would say I never seen it.

Q.—The first thing you knew was a crash? A.—The first thing I knew was a little timidity, and I said "Whoa," and I thought I would make a gallant escape.

Q.—What caused the little timidity? A.—It was the suddenness of the approach, and I thought I would clear myself if possible.

Q.—And you instinctively yelled "Whoa," and pulled the horses back? A.—Yes.

Q.—Up to that time you did not turn your head? A.—Oh yes I did; what's the use of talking that way? The first I knew was the horses on the track. I looked around and saw this engine right upon me.

Q.—Had you looked before that? A.—No, I hadn't; I never seen it before, nor never had any cause to look.

Q.—Were you singing as you went along—whistling? A.—I was humming.

Q.—Humming a tune to yourself? A.—Yes.

Q.—Were the horses going on a walk or a trot? A.—Walking. They were right on the approach.

Q.—Was the waggon on the track at all—the fore-wheel of the waggon, did it go as far as the iron rail? A.—I don't think it did; no.

Q.—Do you think either of the horses stepped over the iron rail? A.—They were both on the track.

Q.—Does that mean that their front feet had stepped across the iron rail? A.—Yes, but that was as far as they went.

The train was going at a speed of about thirty miles an hour, on a heavy up grade, in consequence of which the exhaust or

escaping steam was "very heavy and sharp, making a loud report," as one of the employees described it (p. 31). One of the plaintiff's witnesses heard this at a distance of half a mile "as plain as if he was beside it." Others heard the rumble of the train at a still greater distance.

There was the usual discrepancy in the evidence as to the sounding of the whistle and ringing the bell. The learned judge by whom the case was tried without a jury, entered judgment for the plaintiff, finding that the injury was caused by the negligence of the defendants, and that there was no contributory negligence on the plaintiff's part. The question we have to decide is whether these findings are justified by the evidence.

There was some slight difference of opinion between the witnesses as to the rate at which the train was going, and the distance it could be seen from, or while approaching the crossing. In the absence of any finding or expression of opinion by the learned judge on those points, they should be taken to be as I have stated them.

Our principal difficulty arises from the learned judge's finding on the question of contributory negligence.

In the case of *Wanless* v. *The North Eastern Ry.*, L. R., 6 Q. B. 481, 7 E. & I. App. 12, it appeared that the gates on the down side of the defendants' line being open, the plaintiff entered on the railway grounds at a time when a train on the up side was passing, intending to cross as soon as it had passed. While there, another train on the down side, which he could have seen if he had looked, knocked him down and injured him. In an action against the Company for negligence, it was held that there was some evidence for the jury, inasmuch as the statutory duty of the defendants was to keep the gates closed when trains were approaching, and the fact of their being open on the down side was an intimation to the plaintiff that the down line was safe. The question whether the plaintiff had been guilty of contributory negligence was not raised. Kelly, C. B., observed that the evidence showed that if the plaintiff before, or even after he had entered on the railway, had looked on either side of him as far as he could, he would have been enabled to see that the train which inflicted the injury was about to pass along the railway, and so could have avoided the accident. He adds, "I am far from saying that these circumstances were not evidence of contributory negligence, for I cannot say that anyone crossing a railway, though it might have been intimated to him that he might cross in safety, still, when he is upon the railway, ought not to look upon one side and upon the other, to see whether a train is approaching. But," he adds, "we are not called upon to determine any question of contributory negligence."

That question does arise here, and conceding that there was evidence of negligence on the part of the defendants in omitting to give the statutory warning, we must, nevertheless, see whether the plaintiff could not, by the exercise of reasonable care, have avoided the consequence of the defendants' want of it. I see nothing to the contrary of this actually decided in the case of *Peart* v. *The Grand Trunk Railway Co.*, 8 A. R., and it accords with what has been determined in *Johnston* v. *Northern Railway*, 34 U. C. R. 432. See also *Miller* v. *G. T. R.*, 25 C. P. 389 and *Boggs* v. *G. W. R.*, 23 C. P. 573.

Now I certainly do not mean to lay it down that it is the duty of a traveller on approaching a railway crossing to stop, and to get out of his vehicle and examine the line before crossing it. If that was the law, he could hardly ever cross, except at his own risk, for by the time he had made one examination and was ready to proceed, it would be said he ought not to cross until he had made another, and so ad infinitum. But I think he is bound to use such faculties of sight and hearing as he may be possessed of, and when he knows he is approaching a crossing and the line is in view, and there is nothing to prevent him from seeing and hearing a train if he looks for it, he ought not to attempt to cross the track in front of it, merely because the warning required by law has not been given. The defendants, no doubt, in a case like that, assume the onus of making out that there was contributory negligence, and this is a question to be determined by the judge or jury, as the case may be, upon a

consideration of all the surrounding circumstances.

Facts may appear tending to show that the plaintiff was surprised or thrown off his guard, or was in other respects at a disadvantage, and that though he acted imprudently there was some excuse for what he did. Each case depends upon its own circumstances, and these, even when the defendants' negligence consists in the breach of some statutory duty, may vary all the way from absolute recklessness on the part of the person injured, his own folly and not the defendants' negligence causing the loss, to a case where there is evidence on both sides of the question whether the loss is attributable to the defendants' negligence or the plaintiff's own want of care in avoiding it.

If, in the plaintiff's favor, we assume this case to be one of the latter class, because the more precise evidence of the distance from which the train could be seen from the road comes from the defendants' witnesses, and because the accident happened after nightfall, it nevertheless appears to me that the learned judge should have held that the plaintiff's own negligence here so materially or directly contributed to his injury as to disentitle him to recover. To show why this is so, is almost to repeat the evidence already stated. He knew that he was approaching a railway crossing, and that a train might be expected to pass about that time, the seat in his waggon facing in the direction opposite to that from which the train would come. The night was clear and still; he drove up slowly to the crossing, the horses first setting their feet over the rail before the collision occurred; yet up to the moment before it, he had neither looked nor listened for the train. It hardly admits of a doubt that if he had done so while he had the opportunity, he would have both seen and heard it, and that with his horses going at a walk, and under control, he could have turned them aside before reaching the line. No circumstances of surprise or embarrassment are proved, and the case is one in which to adopt the language of Lord Halsbury in *Walkchin* v. *L. & S. W. Ry.*, 12 App. Cas. 41, it may almost be said that the horses ran against the engine, rather than that the engine ran down the horses. The time which elapsed between the moment when the train came in sight and the collision was no doubt brief, and a very slight difference in the facts might have warranted the plaintiff's conduct in being treated as excusable imprudence, but on his own showing there was such an absolute want of common reasonable care on his part, as to admit of no other conclusion than that the injury was the result of his own contributory negligence.

The cases of *Davey* v. *L. & S. W. R.*, 12 Q. B. D., 70, 77; *Commissioners of Railways* v. *Brown*, 13 App. Cas., may be referred to.

I think the appeal should be allowed.

Appeal allowed.

POLICE COURT.

MONTREAL, January 14, 1889.

Before Mr. DUGAS.

CARSON v. DEVAULT.

Selling liquor to minors—Guilty knowledge—41 *Vict., c.* 3—51-52 *Vict., c.* 10.

Mr. DUGAS:—This case is taken under an amendment to the license law, passed at the last session of our provincial legislature, which forbids the sale of intoxicating liquors to minors. Two young men, being minors, Gales and Corbeil, styling themselves detectives, combined together and undertook to go to different licensed establishments in this city and elsewhere, with the object of obtaining liquor, if possible, and afterwards prosecuting those whom they would entrap doing so. To better succeed, not to awaken the attention of the seller as to their age, they imagined in the majority of cases to use ounce ordinary hair oil vials, and have them filled, at the cost of five cents, with gin or brandy, so as to naturally lead to believe that the liquor was needed for medicinal or other household purposes. It never was intended to be used by the purchasers, except as a corroborative proof of their statement in court. An exception was made to the admissibility of their testimony to prove their age. It will suffice to cite the authority of Roscoe to remove this objection: "In cases where the offence depends upon the age, this must be proved in the usual way, by the girl herself, or by a person who can

speak to the date of the birth." Page 270, Ed. 1878. There is now in England a statute which makes a certificate of birth proof of the date of the birth, provided the identity is established, but this statute does not exclude the common law principle as to evidence on this point. See same author, page 883.

Removing all other questions of a minor character which were raised in the present and the other cases submitted, and which I consider as of no importance, having already declared the facts of the sale proven, I have now to apply the principles of law, as I understand them, to the circumstances of the cases. The nude facts proven are the sale and the minority of the persons to whom it was made. The first question which presents itself is whether the prosecution was obliged to prove the guilty knowledge on the part of the defendant at the time he delivered the liquor—or, under the law as it is framed, is that guilty knowledge to be presumed? It is an uncontested principle of the common law that "when the intent to do a forbidden thing is wanting, a person commits no offence in law, although he does that which is completely within all the words of a statute which prohibits it, and which is silent concerning the intent." The *mens rea* or guilty mind is an essential element in constituting a breach of the criminal law . . . unless a contrary intention be expressed in the statute." See Endlich page 180. And as Baron Parke says (Bishop's Criminal Law, par. 303): "The guilt of the accused must depend on the circumstances as they appeared to him." "Again," says Bishop, "a statute will not generally make an act criminal unless the offender's intent concurred with his act, because the common law requires such concurrence to constitute a crime. A case of overwhelming necessity, or of honest mistake of facts, will thus be excepted out of a *general statutory prohibition*." Yet, it is alleged "that when an act is prohibited absolutely, and the law is silent as to the intent or knowledge, it is sufficient for the prosecution to prove the commission of the act prohibited, and by law the defendant is presumed to have intended to do that very thing." In discussing this point, Judge Stephen, in his History of the Criminal Law of England, page 114, vol. ii, says: "Some degree of knowledge is essential to the criminality both of acts and of criminal omissions, but it is impossible to frame any general proposition upon the subject which will state precisely and accurately the degree and kind of knowledge which is necessary for this purpose, because they vary in different crimes. In many cases there is no difficulty, because the definition of the crime itself states explicitly what is required. Thus, for instance, the receipt of stolen goods, knowing them to be stolen; the passing of counterfeit coin, knowing it to be counterfeit, etc. It is more difficult to say what kind and degree of knowledge is necessary in the cases of crimes which are not so defined as to avoid the difficulty." And at page 116: "The effect of ignorance or mistake as to particular matters of fact connected with an alleged offence is a matter which varies according to the definitions of particular offences." And this is where the difficulty lies as to the application of the clause of our statute which prohibits the sale of intoxicating liquors to minors. Speaking on the subject, Bishop, in his book on Statutory Crimes, par. 355, says: "But there may be a capacity for the criminal intent, while yet no crime is committed, though the outward fact of what otherwise were crime transpires. It is so when one having a mind free from all moral culpability is misled concerning facts." The books are full of illustrations of this doctrine. But the books also contain a few cases, principally Massachusetts ones, in which there is a real or apparent inroad upon this doctrine, not much to be commended. The prosecution, in its factum, has cited many cases, mostly from the Massachusetts courts, stating the doctrine that where an act is positively prohibited by law, the presumption of guilt is presumed and cannot be rebutted. I may say here that, relying upon the best authorities on the subject, I cannot for a moment accept as sound and based upon the principles of law such decisions. There are a few remarks by Bishop about those decisions. Other cases are cited by which it was held that such a presumption can be rebutted.

Accepting this doctrine as establishing the principle that in all such cases the defendant is bound to establish his good faith, the question is, as far as the present case is concerned, what proof had the defendant to make in the presence of the evidence adduced by the prosecution to establish his good faith? I believe that the best proof in that sense is the bad faith, and what is to my mind the very reprehensible, if not criminal action of these two young men who, under the pretext of protecting the public morality of this country, agree together as to the best means to be adopted to bring into the violation of the law innocent men who, if it had not been for their combination, their conspiracy, would never perhaps have exposed themselves to a prosecution under the statute. They are detectives, they say; still they pretend that they offer the appearance of infants and they want to be taken as such. They were brought before the court as witnesses, and as far as experience teaches me, before knowing anything about them, I would equally have taken their statement that they were of age or minors. All the circumstances of this case must be taken into consideration to arrive at a conclusion as to the good faith of the accused. When it is considered that the ultimate object of these parties was to make a case, that it is evident that they used those small vials in order to remove all suspicion, it may fairly be supposed that by their demeanor in the presence of the seller, they tried everything not to let him know that they were minors. I believe that all those facts taken together are sufficient to create in favor of the defendant a presumption of good faith strong enough to rebut the presumption of law against him I would say here that I am afraid that the doings of those two young men, who are intelligent, and offering all the appearances of respectability, have raised sentiments of both pity and disgust in the minds of the well thinking public. They are just at the beginning of life, and they do not, perhaps, well realize the contempt which is attached to the exercise of unneedful spying of one's fellow citizens. Despicable, too, is their conduct when they assert their pretension of aiding good morals, and at the same time admit that there is money for them in the business. Let me remind them of the Pharisees of the Bible, and advise them to turn their intelligence to a better trade. I think it is generally admitted that the world would be better off without Pharisees, even if the number of publicans were to increase. Besides, the law was not framed to meet such cases as those which they have presented. Its object was to protect young people from the abuses of alcoholism. To apply the law in the way it is sought to have it applied would be to entirely disregard its object. The law is made to repress abuses, and not to abuse it. Courts of justice should not encourage such misusage.

To come back to the principles laid down by the authors on the subject of knowledge, I find that Maxwell holds "that where the act done is one *prima facie* or usually lawful, calling for no explanation or excuse, and is unlawful only under exceptional circumstances, ignorance or erroneous belief regarding those circumstances is to be regarded as establishing the absence of *mens rea* (see Endlich, p. 132), and so is the selling to a minor which is not *mala in se*. Therefore, according to this principle, the presumption would be in favor of the defence. Whilst, says the same author, par. 133, when the act done is in its nature a breach of the law by the person who does it, and is divested of that character only when a certain fact exists, the person who does the act in ignorance of that fact, or in erroneous belief respecting it cannot be said to do it innocently, and is not excused by his ignorance or mistake. Example: The abduction of a girl under sixteen, while sincerely believing she was over. Lord Mansfield has sustained the same principle. As far as I have been able to ascertain, all the cases cited where it was held that the presumption of guilt was against the accused are cases where the acts done were wrong or irregular *per se*, whilst the contrary happened where it was not. And I think that Maxwell here agrees with Bishop, when he says that there is no crime when "one having a mind free from all moral culpability is misled concerning facts." In order to be well understood, I wish to add that the view I entertain upon

the interpretation which is to be given to this prohibitory clause is that each case should be adjudged upon its own merits. Should the circumstances show that the accused was lacking in good faith, or did not care, or was wilfully blind, so that his acts would amount to a criminal carelessness or negligence, I would not hesitate to condemn. Selling to a boy of 10 or 12 years old is very different from selling to a boy of 18, 19 or 20, as far as the guilty knowledge is concerned, and whilst in the present case I do not feel myself at liberty to convict, I would not hesitate an instant to do so should I feel certain that the seller could not have been misled.

Lebourveau for the prosecution.

St. Pierre, Globensky & Poirier for the defence.

APPEAL REGISTER—MONTREAL.

Tuesday, January 15, 1889.

Dorion & Dorion.—Motion for substitution granted.

Wattie & Major.—Motion to dismiss appeal. C. A.V.

Cherrier & Terihonkow.—Heard. C. A.V.

Fortin & Dupuis.—Heard. C.A.V.

Devin & Ollivon.—Heard. C. A.V.

Yon & Cassidy.—Part heard.

Wednesday, January 16.

Wattie & Major.—Motion to dismiss appeal rejected without costs.

Yon & Cassidy.—Hearing concluded. C.A.V.

Jacobs & Ransom et al.—Heard. C.A.V.

Dun et al. & Cossette.—Part heard.

Thursday, January 17.

Casavant & Casavant & Millette.—Petition to take up *instance* granted.

Ex parte Victor Mathyl.—Petition for *habeas corpus*. Writ ordered to issue, returnable 18th instant.

Dun et al. & Cossette.—Hearing concluded. C. A.V.

Ouimet & Cie. d'Imprimerie.—Heard. C.A.V.

Dorion & Dorion.—Part heard.

Gilman & Gilbert (No. 21).—Desistment as to part of claim, filed by Gilman after adjournment of Court.

Friday, January 18.

Grand Trunk Ry. Co. & Murray.—Petition to take up *instance* granted.

Gilbert et al. & Gilman (No. 33).—Motion to unite this cause to No. 21 between the same parties, now *en délibéré*. C. A.V.

Ex parte Victor Mathyl.—Writ of *habeas corpus* returned. Petition granted and prisoner admitted to bail.

Dorion & Dorion.—Hearing concluded. C.A.V.

North Shore Railway Co. & McWillie et al.—Heard. C. A.V.

Irwin & Lessard.—Part heard.

Saturday, January 19.

Gilbert et al. & Gilman.—Motion to unite No. 33 to No. 21 between the same parties and now *en délibéré*, rejected with costs.

Carle & Parent.—Confirmed.

Stefani & Monbleau.—Confirmed. Motion for leave to appeal to Privy Council. Rule *nisi* returnable 24th.

Maire & Conseil de Sorel & Vincent.—Confirmed.

Ouimet & Cie. d'Imprimerie.—Confirmed, each party paying his own costs in both Courts.

Longtin & Robitaille.—Confirmed.

Ouimet & Canadian Express Co.—Reversed, and $200 damages allowed appellant. Church, J., *diss.*

Milliken & Bourget.—Confirmed.

Montplaisir & Banque Ville Marie.—Petition for *reprise d'instance* granted.

Irwin & Lessard.—Hearing resumed and continued to 21st.

COURT OF QUEEN'S BENCH—MONTREAL.*

Long established industry—Tannery—Pollution of running stream—Nuisance—Injunction.

The appellant and his predecessors, had, from time immemorial, carried on the business of tanning leather in Côte des Neiges—that being the principal industry of the village. A small stream, which ran through the lands of both parties, and which was partly used as a drain, received certain noxious substances from the tannery. The respon-

* To appear in Montreal Law Reports, 4 Q.B.

dent, who had within a few years, acquired a lot ten or fifteen arpents lower down—and with knowledge of the industry long established in that place—complained of the pollution of the stream by the substances from the tannery, and asked for an injunction. There were other proprietors between the parties, but the respondent alone complaind of the nuisance. The effect of the injunction, if granted, would be to destroy the principal industry of the locality.

Held:—(Reversing the judgment of the Superior Court, M. L. R., 2 S. C. 326), that the appellant was not entitled to the injunction.—(*Claude & Weir*, Dorion, Ch. J., Tessier, Cross, Church, JJ., June 20, 1888.

CORONER'S INQUEST—JURY UNABLE TO AGREE.

To the Editor of the LEGAL NEWS :

SIR,—In the case of Bensen, the Coroner's jury is said to have been unable to agree upon a verdict, whereupon that officer discharged them and committed the prisoner to the next Court of Queen's Bench. How can a Coroner commit where there are not twelve jurors of opinion that the accused should be put on his trial? I fancy the proper proceeding would have been to send both jury and accused with the record to the Queen's Bench, without commitment.

T. P. F.

Aylmer, Jan. 7, 1889.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Jan. 12.

Judicial Abandonments.

Emerie Bissonnet, St. Hyacinthe, Jan. 9.

Octave Cossette, dealer and manufacturer, Salaberry de Valleyfield, Jan. 7.

Hormidas Cousineau, merchant, St. Raphaël de l'Isle Bizard, Dec. 31.

Martin Damiens and Bernard Damiens, merchants, Fraserville, Jan. 4.

Dechêne & Laberge, St. Roch de Québec, Jan. 9.

Joseph Dorval and Alfred Samson, Levis, Jan. 8.

Curators appointed.

Re William Blouin, St. Roch de Quebec.—D. Arcand, Quebec, curator, Jan. 7.

Re James Corbeil.—C. Desmarteau, Montreal, curator, Jan. 9.

Re David Déry, trader, Trois Pistoles.—H. A. Bedard, Quebec, curator, Jan. 18.

Re Chancy W. Getty.—J. E. O'Halloran, Cowansville, curator, Jan. 2.

Re Ovide Rhéaume.—C. Desmarteau, Montreal, curator, Jan. 9.

Re Alexander Tyo, Dundee.—J. A. Lapointe, Beauharnois, curator, Jan. 9.

Dividends.

Re Onésime Boulianne, Tadoussac.—Fourth dividend, payable Jan. 24, T. Lawrence, Quebec, curator.

Re Dolphis Brousseau.—First and final dividend, payable Jan. 12, C. Desmarteau, Montreal, curator.

Re Dame Josephine Galarneau, Sorel.—First and final dividend, payable Jan. 29, Kent & Turcotte, Montreal, curator.

Re Mary Amelia Stobbs.—Dividend, payable Jan. 29, John Ryan, Three Rivers, curator.

Re John Donaghy, Montreal.—First and final dividend, payable Jan. 29, A. W. Stevenson, Montreal, curator.

Re Walter Gibbs.—First and final dividend, payable Jan. 22, Bilodeau & Renaud, Montreal, curators.

Re William J. Rabbitts.—First and final dividend, payable Jan. 28, W. A. Caldwell, Montreal, curator.

Re Narcice Racine.—First and final dividend, payable Jan. 22, Bilodeau & Renaud, Montreal, curators.

Re Philias Sicard, Montreal.—First and final dividend, payable Jan. 29, Kent & Turcotte, Montreal, joint-curator.

Re T. O. Struthers.—First and final dividend, payable Jan. 26, John Boyd, St. Chrysostôme, curator.

Separation as to Property.

Amanda Malton vs. J. Bte. Pagé, painter, Sorel, Jan. 4.

Hannah Maria Pringle vs. Rémi Auguste Massey, Montreal, Jan. 3.

Court Terms Altered.

Court of Queen's Bench, district of Saguenay, to commence Feb. 16th of each year.

Circuit Court, county of Charlevoix, to be held from 9th to 11th of February of each year at Bay St. Paul.

GENERAL NOTES.

MEETING OF THE LEGISLATURE.—The session of the legislature of Quebec was opened on the 9th instant, by the Hon. Mr. Justice Bossé, of the Queen's Bench, who was appointed administrator of the Province for the specific purpose of opening the legislature, the Lieutenant-Governor being too unwell to attend.

THE LATE MR. OLIVIER.—On the 22nd of December, the junior bar of Montreal lost one of its most promising members in Mr. J. O. C. Olivier, who was born at Berthier in 1860. He studied law in the office of Hon. A. Lacoste, Q. C., and was admitted to the bar in 1884. The late Mr. Olivier entered the firm of which Mr. L. A. Lavallée is the head, and this partnership existed until his death.