The Legal News.

VOL. XI. JUNE 30, 1888. No. 26.

In the June Term of the Court of Queen's Bench, Crown side, at Montreal, a true bill was found on an indictment laid before the Grand Jury by a private prosecutor without the concurrence of the officers of the Crown, who subsequently entered a *nolle prosequi*. In the December Term of the Queen's Bench, held by Mr. Justice Wurtele, at Aylmer, a like thing occurred. A bill of indictment was laid before the Grand Jury by a private prosecutor; but in this instance the foreman of the jury handed it to the Attorney-General's substitute, and the affair terminated there. In order that such a thing might not occur again, Mr. Justice Wurtele thought proper to refer to the subject in his charge to the Grand Jury, delivered at the opening of the present term, June 11, which was before the Bond case transpired in Montreal. His Honour said:—

"Your principal duty as the body composing such grand inquest is to take cognizance of all accusations which may be laid before you in the shape of bills of indictment by the officers prosecuting on behalf of the Crown, and satisfy yourselves from the evidence to be adduced before you that sufficient cause appears for calling upon the accused parties to answer the charges made against them, and also to present accusations yourselves to the Court against culprits for offences existing within your own knowledge or within the knowledge of some of you. Accusations may also be brought by a private prosecutor, *but the bills of indictment in such cases can only be laid before you on an order of the Court.*

"You can therefore legitimately act in this respect in two ways: first, on accusations which are given to you in charge in the shape of bills of indictment preferred by the public prosecutor, *or submitted by a private prosecutor under the express authorization of the Court;* and secondly, on crimes, misdemeanors or public evils requiring judicial notice, respecting which no bills of indictment are presented to you but which may come to your knowledge in the course of investigations had before you, or from your own observation, or from the disclosures of some of yourselves. When a grand jury finds a case which has been committed to it, it acts on the bill of indictment preferred to it; but when it acts on its own knowledge, it reports the facts to the Court by a document which emanates from itself and is called a presentment, and on which the public prosecutor afterwards draws an indictment."

The London *Times*, of May 15, contains a report of a standing committee on law, in which it is said: "The Attorney-General moved a new clause, providing that in actions under £20, a man shall recover no costs; between £20 and £50 he shall recover County Court costs; under £10 in tort, no costs; between £10 and £20 he shall recover County Court costs; and that in all these cases the judge shall have power, as at present, to certify to bring the cases into a superior Court.—Agreed to." This change has been objected to, on the ground that it will deprive litigants of the benefit of counsel.

CIRCUIT COURT.

HUNTINGDON, Dist. Beauharnois, Sept. 8, 1887.

Before BÉLANGER, J.

HARRIGAN v. HARRIGAN, and HARRIGAN, T.S., and MOODY et al., Intervenants.

Conditional Sale—Right of vendor to recover goods in default of payment.

HELD:—1. *That a sale made on condition that the property in the article sold shall remain in the seller until payment, is valid as a conditional sale.*

2. *That the seller can recover back the goods in default of payment although they are under seizure at the suit of a third party.*

The intervenants sold defendant a threshing machine, taking his promissory notes in payment. By a written agreement entered into at the time of the sale the machine was to remain the property of the intervenants until paid for. The plaintiff obtained judgment against defendant, and afterwards served a *saisie-arrêt* on the *tiers saisi*, who

declared he had in his hands a threshing machine belonging to defendant. Intervenants thereupon filed an intervention, claiming the machine on the ground that they had not been paid; that although the notes had not yet matured defendant was insolvent, and they tendered back the notes *à qui est de droit.*

Plaintiff contested, alleging 1st, the illegality of the collateral agreement as being an attempt to create a chattel mortgage unknown to our law. 2nd, that the effect of a sale being to divest the seller of his property in the thing sold in favor of the purchaser, and intervenants having accepted defendant's notes in payment, could not also retain the ownership.

It was proved that defendant was insolvent.

PER CURIAM. I cannot see that this agreement is illegal, it is simply a conditional sale; the property is to pass only when the price is paid; the price has not been paid and the intervention must be maintained.

A. E. Mitchell, Att'y. for Intervenants.

McCormick, Duclos & Murchison, Att'ys for plaintiff contesting.

(R. L. M.)

CIRCUIT COURT.

BEAUHARNOIS, June 2, 1888.

Before BELANGER, J.

MASSON, Petitioner, v. LEAHY, Respondent.

Municipal law—Mayor—Right to preside at first meeting of new Council.

HELD:—1. *That the Mayor of a local Municipality remains in office until his successor is elected, notwithstanding that his term of office as councillor has expired.*

2. *That as such Mayor he has the right to preside at the first meeting of Council called after the annual election, and to give his casting vote for the election of a new Mayor.*

Respondent was elected Mayor of the Parish of St. Anicet by the casting vote of one Dupuis, the former Mayor. The annual election of councillors to replace those whose term of office had expired, was held on the 9th January preceding, when petitioner was elected to replace Dupuis whose term as councillor had expired.

At the first meeting of Council, called on the 6th February following, Dupuis persisted in presiding as Mayor until his successor was elected.

Both petitioner and respondent were nominated for the mayoralty, when respondent was elected by the casting vote of Dupuis.

Petitioner thereupon took action to have his election set aside on the ground that the vote of Dupuis was illegal, that he had no right to preside, his office as Mayor becoming vacant when he ceased to be councillor, under article 342 M.C.

The facts were admitted and respondent joined issue in law, urging, that notwithstanding Art. 342 M. C., in established municipalities it was intended under Art. 333 M.C., that the Mayor should remain in office until his successor was appointed, and therefore Dupuis had the right to preside at this meeting although not a councillor; Art. 134 M. C. clearly presuming this construction as it provides, "That if the presiding officer be not "also a councillor he can only vote in the "case of an equal division of votes." Moreover, Art. 286 M. C. provides how the first session of newly organized municipalities shall be presided over, namely, by one of the councillors who composes the new Council, and as there is no such provision regarding the first session, after the annual election, of organized municipalities, it is clearly intended that Art. 333 M. C., should apply.

The COURT sustained this pretension, maintaining respondent in his seat and dismissing the petition with costs.

Seers & Laurendeau, Attys. for petitioner.

McCormick, Duclos & Murchison, Attys. for respondent.

(R. L. M.)

COUR D'APPEL DE DOUAI.

13 février 1888.

Présidence de M. EDMOND LEMAIRE.

CAMESCASSE v. LAROCHE et DEVILLEPOIX.

Presse — Outrage — Diffamation— Candidat — Période électorale — Imputation de vendre son crédit—Décorations.

1. *Si les opinions, le mérite, et la vie publique d'un candidat doivent être livrés sans réserve à*

l'examen et aux critiques mêmes passionnées de ses adversaires, la loi a fixé des limites à ce droit de discussion, qui ne saurait constituer une immunité pour le diffamateur.

2. *Constitue un propos diffamatoire, comme contenant l'allégation d'un fait portant atteinte à l'honneur ou à la considération, l'imputation "d'avoir opéré comme un simple Wilson dans les couloirs de la Légion d'honneur."*

Le Tribunal correctionnel d'Arras avait rendu le 29 décembre 1887 le jugement suivant:

"Attendu que, dans son numéro du 17 novembre 1887, le *Pas de Calais* a publié sous le titre: "Camescasse émule de Wilson" un article commençant par ces mots: "Camescasse est le candidat" et finissant par ceux-ci: "une profonde horreur;"

"Attendu que l'auteur de cet article impute à Camescasse d'avoir opéré comme un simple Wilson dans les couloirs de la Légion d'honneur;

"Attendu que, pour apprécier la portée de cette imputation, l'interprétation qui lui a été donnée et les pensées qu'elle a éveillées dans l'esprit du lecteur, il faut se reporter à la date de sa publication;

"Attendu que l'opinion publique était alors très émue des accusations chaque jour dirigées par la presse contre la personne dont le nom est rappelé; qu'on lui reprochait notamment de honteux trafics au sujet de décorations conférées par son entremise à des individus indignes de les porter; qu'on représentait Camescasse comme s'étant fait l'imitateur et l'émule de ce personnage; qu'on lui reprochait d'avoir fait commerce de son crédit; qu'on lui imputait donc un fait de nature à porter atteinte à son honneur et à sa considération;

"Attendu qu'il a dû en être d'autant plus profondément blessé dans sa dignité et dans ses sentiments de délicatesse que les esprits, surexcités par les ardeurs de la lutte électorale, semblaient devoir être plus crédules et plus faciles à l'entraînement;

"Attendu que la circonstance que ces attaques ont eu lieu au cours de la période électorale, ne saurait être considérée comme une excuse; que, sans doute, les opinions, le mérite et la vie publique d'un candidat doivent être livrés sans réserve à l'examen et aux critiques même passionnées de ses adversaires; mais que la loi a fixé des limites à ce droit de discussion et n'a pas voulu qu'il dégénérât en un droit de diffamation pour des faits étrangers à la politique;

"Attendu qu'on peut néanmoins admettre que, dans la chaleur de la polémique, le journaliste n'a pas mesuré exactement la gravité de ses accusations; qu'au cours des débats, il a même été déclaré en son nom qu'il n'avait entendu imputer aucun trafic à Camescasse, mais seulement lui reprocher d'avoir accordé sa protection à un individu flétri plus tard par une condamnation criminelle; qu'il échet de lui tenir compte de cette déclaration, laquelle, portée à la connaissance du public en même temps que ce présent jugement, atténuera au besoin les effets de la diffamation;

"Attendu, au surplus, que, peu de jours après la publication de l'article délictueux, Camescasse était élu député du département du Pas-de-Calais; qu'on est donc fondé à penser que le corps électoral ne lui a attribué aucune importance et qu'il est resté sans effet sérieux;

"Attendu qu'en cet état des faits, l'insertion du présent jugement dans les journaux quotidiens de la ville d'Arras sera la meilleure et la plus utile réparation pour la partie civile, et qu'il suffira de lui allouer une somme de 400 francs à titre de dommages-intérêts;

"Attendu que le journal le *Pas-de-Calais* s'imprime à Arras; qu'il est distribué à un grand nombre d'exemplaires dans cette ville à un grand nombre d'exemplaires dans cette ville et dans tout l'arrondissement; que Devillepoix en est le gérant, et qu'en publiant l'article poursuivi il a commis le délit de diffamation;

"Attendu que ce journal appartient à une société anonyme dont Laroche est le directeur; que ce dernier doit donc être déclaré responsable des condamnations pécuniaires prononcées contre le gérant;

"Par ces motifs,

Déclare Devillepoix convaincu d'avoir commis le délit de diffamation en publiant dans le numéro du journal le *Pas-de-Calais*, portant la date du 17 novembre 1887, sous le

titre "Camescasse émule de Wilson," un article commençant par ces mots: "Camescasse est le candidat" et finissant par ceux-ci: "une profonde horreur;" le condamne en 100 fr. d'amende; le condamne en outre à payer à la partie civile une somme de 400 fr. à titre de dommages-intérêts; ordonne que dans les trois jours de sa signification, le présent jugement sera inséré, etc."

Appel; arrêt;

LA COUR,

Adoptant les motifs des premiers juges, Confirme.

APPEAL REGISTER—MONTREAL.

Wednesday, June 20.

Thompson & Molsons Bank.—Judgment confirmed, Dorion, C. J., and Tessier, J., dissenting. Motion for leave to appeal to Privy Council granted.

Claude & Weir.—Judgment reversed, and action dismissed with costs.

Gibb et al. & McAdam.—Judgment reversed as against appellant Gibb, confirmed as to appellant Morris; McAdam to pay half costs to Gibb, and Morris to pay half costs to McAdam.

Gibb & McAdam.—Judgment confirmed.

McOuatt & Morrison & Stalker.—Judgment confirmed, Tessier, J., dissenting.

Pickford & Dart.—Judgment reversed, Tessier, J., dissenting. Motion for leave to appeal to Privy Council. Rule returnable next term.

Mail Printing Co. & Laflamme.—Judgment confirmed, Baby and Church, JJ., dissenting. Motion for leave to appeal to Privy Council, granted.

Graham & Daoust.—Judgment reversed.

Senécal & Beet Root Sugar Co.—Confirmed. Motion for leave to appeal to Privy Council. granted.

Trudel & Beemer.—Confirmed.

Beemer & Trudel.—Confirmed.

Drapeau & Deslauriers.—Confirmed.

Stewart & Owens.—Confirmed.

Muir & Carter.—Motion for leave to appeal to Privy Council rejected.

Holmes & Carter.—(Nos. 28 and 29). Motion for leave to appeal to Privy Council granted.

The Court adjourned to September 15.

*DECISIONS AT QUEBEC.**

Action— Poursuite —Failli —Cautionnement— Preuve.

Jugé, 1o. Que le failli, qui a fait cession avant la mise en force de "l'Acte de faillite de 1875," et qui n'a pas obtenu sa décharge depuis, n'est pas obligé de donner caution pour les frais des actions qu'il a intentées, ou des poursuites qu'il a prises, subséquemment à la mise en force de ce dernier acte;

2o. Que le certificat que le failli n'a pas obtenu sa décharge, donné par le protonotaire dans une cause en liquidation originée sous l'Acte de faillite de 1869, n'est pas seul une preuve suffisante que la personne portant les mêmes noms, dans une action intentée 12 ans après, a antérieurement fait faillite et n'a pas été déchargée.—*Trudel* v. *Langelier*, C.S., Casault, J., 23 nov. 1887.

Partners— Liability and Power of Individual —Proof.

Held, Confirming the judgment of Superior Court (Casault, J.,) that under the circumstances of this case, detailed in the report, the respondents Cook could not be made liable for debts contracted by their co-respondent Knight, though there seemed some reason for assuming the existence of a partnership between them.

That the facts disclosed did not establish the existence of a partnership between the respondents Knight and Cook, so as to render the latter responsible for debts contracted by the former towards the appellants.

That a plea of compensation is no admission of liability.—*Singleton & Knight*, in appeal, Feb. 4, 1887.

Décharge sous l'acte de faillite de 1875.

Jugé:—Que la décharge donnée à un débiteur en vertu de l'acte de faillite de 1875 et de l'acte de composition, dans l'espèce, a l'effet de le libérer, tant de ses dettes personnelles, que de celles qu'il a contractées comme associé d'une société mise en liquidation.—*Chinic & La Compagnie Minière de Coleraine*, en appel, 4 mai 1887.

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*14 Q. L. R.

Slander—Privileged communication—Malice—Evidence.

A., the deputy-head of a public office, before leaving for a vacation, handed the keys of the safe to a supernumerary instead of entrusting them to H., the officer next after him. Upon being asked by his chief why he did this, he answered, "I have no confidence in him," meaning H. Hence action for slander.

Held:—That the words spoken constituted a privileged communication.

That in order to succeed in an action upon these words, it is necessary to prove express malice.

That for the purpose of establishing malice against the party slandered, the Court will allow evidence of another accusation made by the defendant against the plaintiff, more than five years previous to the speaking of the words complained of.

That the defendant will be allowed, in such a case, to justify the former accusation by evidence of time, place and manner in which it was made, and by establishing the truth of such accusation.

That the Court will take into consideration the length of time which has elapsed between the two occasions, so as to determine whether malice existed at the time the words complained of in the action were spoken.

That when the occasion is privileged, the presumption of law is that the communication was made *bonâ fide;* and if there be some doubt as to the defendant's motives, he is legally entitled to the benefit of that doubt.—*Hamel* v. *Amyot*, S.C,, Andrews, J., 1887.

Jugement—Preuve—C. P. C. 505.

Jugé:—Qu'on ne peut recommencer son enquête, après jugement, pour faire une preuve qu'on n'a pu faire alors parce qu'on ne connaissait pas certains faits à son avantage, faits qu'on aurait découverts depuis.—*Dussault* v. *Trudelle*, C. S., Larue, J., oct. 1887.

Contract—Interpretation of, as to liabilities of parties.

Held:—Where three banks, creditors of B. Bros. whe required extension of time, agreed together to grant it and make further advances to them, declaring it a matter of common cause, one of them advancing funds to renew a draft, part of the indebtedness and not making sure that the funds were so employed, incurred a loss for which the other two were not liable:

That the stipulation in the agreement that A. K., to whom the funds for renewal were handed, should supervise the affairs of B. Bros. during the period covered by the agreement, did not constitute him the agent of the banks.—*Union Bank & Quebec Bank*, in appeal, Dec. 6, 1887.

Obligation—Delay for payment—Interest—Art. 1091, *C. C.*

Held:—O. having effected a loan payable in ten years with interest at 6 per cent by monthly instalments fixed by dividing the principal and interest added together, that the delay of payment was in favor of the debtor, who could pay by anticipation before its expiry, allowing for interest only up to the time of payment.—*La Société permanente de Construction des Artisans & Ouimet*, in appeal, Feb. 6, 1888.

Dation en paiement—Preuve orale— C. C. art. 2260.

Jugé:—Que la preuve par témoins d'une dation en paiement d'une dette commerciale, peut être admise.—*Labrecque & Dubois*, en appel, 6 décembre 1887.

Prohibition—Mise en force du "Scott Act"—Formalités antérieures aux proclamations—du gouverneur—Juridiction du magistrat de district.

Jugé:—1o. Que le magistrat de district a juridiction pour entendre et décider les poursuites pour amende en vertu du "Scott Act;"

2o. Que sur une demande de prohibition, la Cour ne s'enquerra pas de l'observance ou inobservance des formalités prescrites par l'acte antérieures à sa mise en force par proclamation.—*Desrochers & Rioux*, en appel, fevrier 1887.

Privilège de bailleur de fonds—Hypothèque—Renouvellement d'enregistrement—Articles 2015, 2047, 2056, 2057, 2084, 2085, 2094, 2100, 2122, 2127, 2130, *et* 2173, *C. C.*

Jugé:—1o. Que l'usufruitier a droit d'action pour recouvrer les capitaux des créances dont il a l'usufruit. (*Vide* M. L. R., 2 S. C. 86, *Kimber* v. *Judah*);

2o. Que le privilége de bailleur de fonds, s'il n'est pas enregistré, ne donne pas lieu à l'action hypothécaire, bien qu'il soit préféré aux créances chirographaires et à celles non enregistrées;

3o. Que l'hypothèque n'existe pas sans enregistrement, et n'est pas même préférée aux créances chirographaires et ne peut donner lieu à l'action hypothécaire;

4o. Que le créancier est encore à temps pour renouveler l'enregistrement de son droit réel, après l'expiration des deux années qui suivent la mise en force du cadastre, si l'immeuble n'est pas alors passé entre les mains d'un acquéreur subséquent à la mise en force du cadastre qui a enregistré son titre, mais alors le créancier perdra sa priorité sur ceux qui auront renouvelé avant lui ou pris des inscriptions hypothécaires, après la mise en force du cadastre et avant le renouvellement de ce créancier;

5o. Que celui qui a acquis l'immeuble, avant la mise en force du cadastre, ne peut invoquer le défaut de renouvellement des inscriptions hypothécaires existant et prises avant l'enregistrement de son titre;

6o. Que "l'acquéreur subséquent" de l'art. 2173 du C. C., signifie un acquéreur postérieur à la mise en force du cadastre;

7o. Que les mots "autres créanciers" de l'art. 2173 du C. C., signifient aussi bien les créanciers antérieurs au cadastre qui ont renouvelé dans les deux ans de sa mise en force, que les créanciers subséquents à la mise en force du cadastre; et ils comprennent aussi les créanciers antérieurs au cadastre qui ont renouvelé même après les deux ans, mais alors seulement à l'encontre des créanciers qui n'ont pas renouvelé ou ont renouvelé après eux, et à l'égard des nouveaux créanciers dont les titres de créance n'ont été enregistrés qu'après ce renouvellement, et pourvu que, lors du renouvellement effectué après les deux années, l'immeuble n'ait pas passé en d'autres mains par titre enregistré;

8o. Que le défendeur, sur l'action hypothécaire, peut plaider les moyens que son vendeur et garant aurait pu invoquer.—*Bérubé* v. *Morneau*, C. S., Cimon, J., 27 déc. 1887.

THE LAW OF LIBEL.

The following letter has been addressed by Mr. Justice Stephen to the *Times*, in reply to the letter of 'An English Barrister' (*Ante*, p. 191):—

Sir,—It is not my intention to enter into any controversy with either of the gentlemen who have observed upon my letter on the Libel Law Amendment Bill. Yet, as I have a professional dislike to the mis-statement of legal authorities, I must ask your leave to make two remarks on your correspondent, 'An English Barrister's, reference to cases.

1. He implies that the marginal note of *Rex* v. *Mary Carlile* inaccurately represents the effect of the case. The marginal note is: 'It is not lawful to publish even a correct account of the proceedings of a Court of justice if such an account contains matter of a scandalous, blasphemous, or indecent nature.' And he says: 'It is true that Mr. Justice Best uttered some such words, but such was not the decision nor the ground of the decision.' I venture to assert the opposite of this. Lord Chief Justice Abbott says in general terms that it is not competent to any person, under pretence of publishing a trial, to reutter defamatory matter which it may have been necessary publicly to read in the course of it.

Mr. Justice Bayley, says, 'Though we are bound in a Court of justice to hear offensive and indelicate evidence, other persons are not at liberty afterwards to circulate it.' Mr. Justice Best was the only one of the judges who noticed that the report could not be considered fair, but the rest of his judgment implies that if it had been fair it would have made no difference. Indeed, the only unfairness of which he complains is that the report of the trial called it 'a mock trial,' but this was not the ground even of his judgment.

The doctrine in *Mary Carlile's Case* is treated with some contempt by your correspondent, though Lord Tenterden and Mr. Justice Bayley and Mr. Justice Holroyd were very eminent men, and, indeed, with all his

weaknesses, the same may be said of Mr. Justice Best. But the case itself is a recognised authority and has been followed within the last few years. It is quoted—*e. g.* in Mr. Odgers' late work on the law of libel. Mr. Odgers says, in enumerating the exceptions to the rule, that the publication of proceedings in Courts of law is privileged. The 'second' exception is 'Where the subject-matter of the trial is an obscene or blasphemous libel, or where, for any other reason, the proceedings are unfit for publication. It is not justifiable to publish even a fair and accurate report of such proceedings, for such report may itself be indictable as a criminal libel.' And he quotes *Rex* v. *Mary Carlile*, and the two late cases of *Regina* v. *Hicklen*, 37 Law J. Rep. M. C. 89; L. R. 3 Q. B. 360; and *Steele* v. *Brannan*, 41 Law J. Rep. M. C. 85; L. R. 7 C. P. 261. *Steele* v. *Brannan* is directly in point as to the publication of indecent trials, and the judgments of Lord Chief Justice Bovill and Mr. Justice Grove are both founded on *Rex* v. *Mary Carlile*. The counsel for the defendant in this case put forward the view of *Rex* v. *Mary Carlile* which is advanced by your correspondent, but the Court paid no attention to him.

2. The second remark I wish to make is that your correspondent is very earnest about malice, which he says is an essential element of libel; about the encroachments of the judges upon the common law as he says it was in the seventeenth century; and on Lord Erskine's Libel Act. He also insists upon a case of *Thorley* v. *Lord Kerry*, 4 Taunt. 355, decided in 1812, in support of some of those views. I wish to call attention to a few words which he does not quote from the end of that judgment, but which bear closely on one of these matters: 'The tendency of the libel to provoke a breach of the peace or the degree of malignity which actuates the writer have nothing to do with the question.' I will not trespass on your space by showing how essential these words are to the judgment. Anyone who takes an interest in the matter may read the judgment for himself. They seem to me to be in absolute contradiction to what your correspondent asserts.

My object in writing to you was merely to prevent a bill of this importance from passing without examination and discussion. I have certainly no hostility to the press. Anyone who knows what my career in life has been must have thought such a suggestion is absurd; but I am jealous for its honour and respectability, and I think that such legislation as is proposed would foster abuses to which I certainly do see a tendency in newspapers which I should not call respectable though they are influential. Most newspapers, both in London and in the country, carry on their business with the utmost propriety under circumstances at times of great difficulty. The *Times'* reports of the Divorce Court, for instance, succeed in giving accounts of the most shameful stories in language as unobjectionable as is consistent with any reference to the facts, and I am far from saying that all reference to them should be omitted. But there are journals which I would certainly not trust with a legal right to publish *verbatim* reports of indecent trials or meetings. Prurience and Purity have met together on many occasions of late years, and it is impossible to walk the streets without seeing that the sham indecent trade (whether it is a sham or not I cannot say) may be carried on by newspapers which try to attract customers by suggestive titles prefixed to articles which, I hope, disappoint their readers. To such papers the proposed bill, as it stands, would be a Magna Charta.

I am glad to see that 'An English Barrister' thinks that the provision in the Act of 1881 restricting privilege to matter of which the publication is for the public good should be maintained. Neither does he deny that my illustration as to possible abuses of the bill is correct, though he thinks it unlikely to happen. Would he say as much as that of a report of a grossly indecent Purity meeting? Except upon legal authorities and historical matters there is not at bottom so very much difference between him and me.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, June 16.

Judicial Abandonments.

Charles Henry and David Hiram Sawyer, storekeepers, St. George de Clarenceville, June 8.

Curators appointed.

Re Achille Beaudet, Victoriaville.—L. Lavergne, Arthabaskaville, curator, June 7.

Re O. W. Coté.—C. Millier and J. J. Griffith, Sherbrooke, joint curator, June 12.

Re Hélène Nugent, widow of Prosper Boily, Chicoutimi.—H. A. Bedard, Quebec, curator, June 12.

Re Alfred G. Elliott (John Elliott & Co.).—W. A. Caldwell, Montreal, curator, June 13.

Re James Gannon.—Kent & Turcotte, Montreal, joint curator, June 13.

Re O'Neill & Judd.—D. Arcand, Quebec, curator, June 8.

Re C. H. and D. H. Sawyer.—W. A. Caldwell, Montreal, curator, June 14.

Dividends.

Re Solomon Barnum.—Dividend, J. Landsberg, Sweetsburg, curator.

Separation as to Property.

Anna E. Boyd vs. John McKay, Montreal, June 13.

Rose Anne Lacroix vs. P. Emond Cartier, trader, St. Aimé, June 13.

Marie Arzélie Prieur vs. Louis Adam Sauvé, trader, St. Polycarpe, June 6.

Notarial Minutes.

Minutes of the late Joseph Laurin, N.P., transferred to Joseph O. Laurin, N.P., St. Sauveur de Québec.

Appointments.

James Kewley Ward, appointed Legislative Councillor, in the place of Hon. Hugh McKay, resigned.

Pierre Hurteau and Théophile Amédée Robert, appointed joint registrar of County of Chambly.

Quebec Official Gazette, June 23.

Judicial Abandonments.

David H. Cameron, Coaticook, June 8.

Joseph Guay, trader, St. Paul's Bay, June 20.

P. A. Guay, trader, Chicoutimi, June 21.

William Little, lumber merchant, Montreal, June 7.

William D. McAulay, Whitton, June 15.

William Murray, watchmaker, Montreal, June 12.

Curators appointed.

Re Marie Alice Boilard (C. E. Carbonneau), St. Thomas.—H. A. Bedard, Quebec, curator, June 19.

Re Nérée Desroches.—Kent & Turcotte, Montreal, curator, June 18.

Re William Murray.—W. A. Caldwell, Montreal, curator, June 20.

Re Georgina Wakefield.—H. A. Odell, Sherbrooke, curator, June 28.

Dividends.

Re Norris Best, hotel-keeper, Bord à Plouffe.—First and final dividend, payable July 10, Fulton & Richards, Montreal, curators.

Re Joseph T. Fortin, trader, Murray Bay.—First and final dividend, payable July 7, H. A. Bedard, Quebec, curator.

Re Edward Languedoc, trader, St. Michel.—First and final dividend, payable July 7, H. A. Bedard, Quebec, curator.

Notarial minutes.

Minutes of late Germain Guay, N.P., transferred to Michel P. Laberge, N.P., Quebec.

GENERAL NOTES.

C. G. Sautter, a druggist, was defendant in a suit for damages at Brooklyn, instituted by a woman who claimed that he gave her poisonous medicine in mistake, and she consequently suffered from a hemorrhage. Upon taking the stand, he declared that the medicine was not poisonous. "Would you be afraid to take a dose of it yourself?" Asked the counsel. "Not a bit," returned Sautter, and before he could be prevented, he picked up the bottle, poured out a big table spoonful, and swallowed it. Several doctors, who were witnesses, wanted to administer antidotes; but the witness would not have it, and he showed no bad effect from swallowing his own mixture. The jury thereon gave him a verdict.

Hong Yon Chang, a Chinaman, has been admitted to the bar in New York, and he is said to be the only regularly admitted Chinese lawyer in this country. He is twenty-seven years old, has been in the country fifteen years, is a graduate of Yale College and the Columbia Law School and speaks excellent English.

The sheriff of Mobile, Ala., resorted to rather novel means to overpower a rebellious prisoner. Armed with a dirk, the belligerent defied the prison officials to remove him to a dark cell, whereupon the neighboring fire company was ordered to turn a stream upon him. While he was vainly attempting to dodge the ice-cold water the officials rushed upon and overpowered him.

At the Liverpool assizes Mr. Justice Day, when sentencing five men convicted of robberies with violence to be flogged, observed that he had ascertained by careful inquiry among those best able to form an opinion, that the punishment of flogging reformed more than any other, and that those so punished seldom repeated the offence.

Mr. B., a Scottish advocate, a man of considerable humour, accompanied by great formality of manners, happened to be one of a convivial party, when the Earl of Kellie was at the head of the table. After dinner he was asked to sing, but absolutely refused to comply with the pressing solicitation of the company. At length Lord Kellie told him that he should not escape, he must either sing a song, tell a story, or drink a pint bumper. Mr. B—, being an abstemious man, chose rather to tell a story than incur the forfeit. "One day," said he, in his pompous manner, "a thief, in the course of his rounds, saw the door of a church invitingly open. He walked in, thinking that even there he might lay hold of something useful. Having secured the pulpit cloth, he was retreating, when, lo! he found the door shut. After some consideration, he adopted the only means of escape left, namely, to let himself down by the bell rope. The bell of course rang, the people were alarmed, and the thief was taken just as he reached the ground. When they were dragging him away he looked up, and emphatically addressed the bell, as I now address your lordship. 'Had it not been,' he said, 'for your long tongue and your empty head, I had made my escape'."