The Legal News.

VOL. XII. JUNE 22, 1889. No. 25.

Sorel has never been conspicuous for brevity in legal matters. The new city, incorporated by 52 Vict., c. 80, has the honor to occupy a considerable space in the volume of Quebec Statutes just issued. The Act of incorporation comprises 685 sections, extending over 115 pages. One may be permitted to express the hope that the mayor and councillors may be able to walk without doubt or uncertainty by the light of this ample charter.

It is a curious circumstance that while the Legislative Council of Quebec refused last session to approve of the Assembly bill in the B.A. matter, it nevertheless passed three bills dispensing entirely with examination for admission to study, in the cases of three gentlemen who had never been regularly admitted to the study of the law. It also concurred in three Acts dispensing with examination for admission to the study of dentistry. If the Legislative Council approves of the law as it exists, it is difficult to understand why it is so ready to come to the aid of those who fail to comply with it.

Mr. Justice Church, in addressing the Grand Jury at the beginning of the recent term of the Court of Queen's Bench, at Montreal, gave his opinion in favour of maintaining the Grand Jury system. "The office which you are here to fill" said the learned judge, "is one of the most ancient and one of the most honorable known to our institutions, and although in late years it has become somewhat the fashion to assail it and question its necessity or value, assigning as grounds for so doing that it is inconvenient, useless, expensive, or any other reason which may suggest itself to the critic, nevertheless the office continues to exist, and, so far as I can see, is likely to last through our generation, to be in due course handed down to our successors, to be by them in turn transmitted or abrogated as to them shall seem wise. As 'threatened men' are said to 'live long', so institutions like that of the Grand Jury, which have become ingrained into our system of criminal law, are not likely to be lightly cast aside, and I cannot but think that the office of the Grand Jury, rightly understood and intelligently and carefully administered, is one of our most valuable safeguards, both to the subject and the state, affording, as it does, a protection against hasty and ill-considered accusations, and also a barrier to personal malevolence, prejudice or ill-will."

On the much controverted license question his Honor had also something to say:—"It does seem to me that a general law regulating the maximum number of licenses which might be granted in any municipality, and fixing that number with a view to keep the number of licensed houses fully within the actual public wants of the people, would be a very desirable step, and would be of material help in diminishing the pressure which is made upon licensing boards, a pressure which I am assured finds its abettors often amongst those whose social standing, public responsibility or private experience should have ranged amongst other circles and influences. It is not always easy for the best disposed men, exercising a discretionary power in a mixed community like ours, to resist the influence to grant an unnecessary number of licenses, which a well organized body of citizens, as in this city, several hundred in number, and supported by many others indirectly interested in their commerce, will bring to bear upon them, and if the hands of the licensing board were strengthened by legislation such as I have indicated, more satisfactory results might be achieved. High license has been suggested as an auxiliary measure to this or as a substitute for it. If, under our political system, revenue must be a consideration in dealing with this subject, any policy which secures the necessary revenue and stamps out the low groggeries and reduces the number of saloons, or of saloons and billiard parlors combined, should secure the active sympathy and countenance of all good citizens, especially of those who are concerned in the administration of the criminal law. The spectacle which every

recurring term of this court presents, of young men, often of bright parts and not seldom of respectable parentage and connection, and even of good education and prospects, being brought here to answer for violations of the laws respecting property, in thefts and embezzlements and forgeries, or for offences against the person in assaults, woundings, and too often crimes of graver magnitude, and the well-known fact that these offences are most generally traceable to the associations of the saloon and its kindred attractions, make persons placed as you and I are, anxious for the adoption of some radical change whereby these young offenders may be saved from the perils and inducements which are spread around them at every side, and we thus relieved from the miserable duty of denouncing their misdeeds, attending at their trials, or taking part in awarding punishments. These considerations justify, if they do not call for, the observations which I have just made."

COUR DE MAGISTRAT.

MONTREAL, 15 mars 1889.

Coram CHAMPAGNE, J.

HIGGINS v. LAVIGNE.

Vente—Agent—Responsabilité vis-à-vis le commettant.

JUGÉ:—*Qu'une personne qui achète des marchandises d'un agent sans connaître la qualité de ce dernier, mais qui reçoit la marchandise directement du commettant avec la facture en son nom, acquiert suffisamment la connaissance qu'il a acheté du commettant pour être tenu de lui en payer le montant, surtout dans le cas où il n'a pas encore payé à l'agent.*

PER CURIAM.—Le demandeur dans son action réclame la valeur d'une certaine quantité d'huîtres vendue et livrée au défendeur. Ce dernier plaide qu'il ne connaît pas le demandeur, qu'il a pris ces huîtres d'un nommé Skill pour les vendre à moitié, et lui a rendu compte après les avoir vendues. Le défendeur prouve par ses deux engagés qu'il a fait ce marché avec Skill, mais il admet qu'il ne lui a rien payé après la vente des huîtres. Il prouve aussi que les huîtres lui ont été expédiées directement par le demandeur, et qu'il les a reçues sans protester. Le demandeur de son côté, prouve par Skill que ce dernier était son agent, que le défendeur a reçu les huîtres aux chars avec la facture au nom du demandeur, et qu'il avait vendu les huîtres pour le compte du demandeur.

Jugement pour le demandeur avec dépens.

P. Lanctôt, avocat du demandeur.

Gagnon & Bruchési, avocats du défendeur.

(J. J. B.)

COUR DE MAGISTRAT.

MONTREAL, 17 avril 1889.

Coram CHAMPAGNE, J.

LAGARDE v. PAQUETTE.

Assaut indécent—Droit d'action—Père—Dommage—Preuve.

JUGÉ:—1o. *Qu'un père a droit d'action en dommage, en son propre nom, pour assaut indécent sur la personne de ses enfants dans sa maison.*

2o. *Que dans ce cas, les enfants assaillis sont témoins compétents.*

Le demandeur allègue qu'il est père de famille et a deux filles dont l'une de 24 ans et une autre de 16 ans; que le défendeur est boulanger et vient chaque matin livrer son pain à sa maison; qu'un jour, profitant de l'absence du demandeur et de son épouse, il aurait commis sur ses deux filles un assaut indécent. De là l'action en dommage pour $50.00.

Le défendeur nia tous les faits, disant qu'il était un ami intime du demandeur et avait toujours été traité comme tel dans sa maison; que jamais il n'avait dépassé les bornes de l'intimité, et que l'action était vexatoire.

Autorités: Neil v. *Taylor*, 15 L. C. R. 102; *Antille* v. *Marcotte*, 11 Leg. News, 339; *Dareau, Traité des Injures*, V. 2., p. 345.

La question de savoir si le père avait droit d'action pour un assaut qui aurait été commis sur ses enfants fut soulevé La Cour fut en faveur du demandeur et lui accorda le jugement suivant:

Jugement pour $20.00 de dommage et les frais d'action telle qu'intentée.

H. Migneron, avocat du demandeur.

J. A. St. Julien, avocat du défendeur.

(J. J. B.)

COUR DE MAGISTRAT.

MONTREAL, 17 avril 1889.

Coram CHAMPAGNE, J.

LEBLANC v. ROCHELEAU, et THE DAVIS SEWING MACHINE CO., *opposant.*

Huissier saisissant—Opposition—Ordre de sursis.

JUGÉ:—1o. *Qu'une opposition ne sera pas renvoyée parce qu'il n'y a pas d'ordre de sursis par le juge; si aucun ordre n'est reçu par l'huissier saisissant, son devoir, dans ce cas, est de continuer ses procédés, sans tenir compte de l'opposition;*

2. *Que lorsque l'huissier suspend ses procédés et fait rapport en conséquence, l'opposition se trouve régulièrement devant la Cour pour adjudication.*

L'opposante produisit une opposition afin de distraire, réclamant la propriété d'une machine à coudre. L'opposition n'était accompagnée d'aucun affidavit, mais contenait une injonction à l'huissier saisissant de suspendre l'exécution des ordres qu'il avait reçus, signés d'un député greffier de la Cour.

L'opposition fut contestée parce que l'injonction n'était pas un ordre de sursis donné par le juge; art. 584 C. P. C.; parce que l'opposition n'était pas accompagné d'une déposition sous serment, et que sans cette déposition elle n'opère pas par elle-même sursis.

La Cour a renvoyé la contestation sur le principe que l'huissier ayant suspendu ses procédés, l'opposition était devant la Cour au mérite, quelqu'aurait pu être l'effet de l'ordre de sursis donné et le défaut d'affidavit si l'huissier eut continué ses procédés.

Contestation renvoyée sans frais.

Opposition maintenue avec dépens.

David, Demers & Gervais, avocats de l'opposant.

G. Mireault, avocat du contestant.

(J. J. B.)

CHANCERY DIVISION.

LONDON, April 12, 1889.

In re TIMSON. ALWEY v. TIMSON. (24 L.J.N.C.)

Will—'Moneys in the bank'—Voluntary Settlement—Imperfect Transfer.

A testator gave to E. the whole of his houses, land, furniture, jewellery, and moneys in the bank in trust for her two children. At the time of his death he was residing in France, and wished to invest £3,000 in Consols for the benefit of his natural daughter, who was a minor. The cashier of the bank with which he dealt informed him that their rules prevented their purchasing Consols in the name of a minor, and advised him that he should have the Consols purchased payable to bearer, and hand the scrip over to the daughter. He ordered such purchase to be made, and told the daughter, who was with him, "These Consols are for you." He died before the scrip was handed over to him.

NORTH, J., held that the Consols did not pass under the bequest of moneys in the bank, and that there had been no complete transfer or declaration of trust in favor of the natural daughter or evidence of intention by the testator to constitute himself a trustee for her. There was, therefore, an intestacy as to the Consols.

PROBATE, DIVORCE, AND ADMIRALTY DIVISION.

LONDON, April 8, 1889.

QUAGLIENI v. QUAGLIENI & WOOD. (24 L.J.N.C.)

Divorce—Age of Co-respondent.

In a case where the husband petitioned for a dissolution of marriage on the ground of his wife's adultery, it appeared that at the time the alleged acts of adultery were committed the co-respondent was only thirteen years of age.

BUTT, J., held that circumstantial evidence only of adultery could not be received, the co-respondent being under the age of fourteen years.

Petition dismissed, with costs.

MR. SERJEANT ROBINSON ON THE BENCH AND BAR.

Mr. Serjeant Robinson has just published a volume of Reminiscences of singular merit. Not only are there very many good stories, but they are uncommonly well told, and the writer carries on his reader with unflagging interest through all his varied reminiscences. One of the most singular characters he describes is Serjeant Arabin.

Serjeant Arabin, he says, besides being

judge of the Sheriff's Court, was a commissioner of the Central Criminal Court. He was a thin, old, wizen-faced man, very eccentric in his ideas and expressions, and more so in his logic. One of the members of the bar made a collection of his sayings, and called it "Arabiniana," and a few copies were printed for private circulation. I never possessed a copy, but I remember one or two of its pithy aphorisms. In sentencing a prisoner who had been convicted of stealing property from his employer, he thus addressed him: "Prisoner at the bar, if ever there was a clearer case than this of a man robbing his master, this case is that case." Again he had to pass judgment on a middle-aged man, who had been tried and convicted upon two or three indictments and had then pleaded guilty to more. Arabin said, "Prisoner at the bar, you have been found guilty on several indictments, and it is in my power to subject you to transportation for a period very considerably beyond the term of your natural life; but the court, in its mercy, will not go as far as it lawfully might go, and the sentence is that you be transported for two periods of seven years each."

A queer scene occurred at one of the evening sittings, which may be worth recording. Serjeant Arabin had come down from the dining-room, with the alderman on the rota, and they took their seats upon the bench, the countenances of both bearing testimony that their afternoon's carouse had not been a light one. The prisoner first upon the list was in the dock, and the prosecutor was in the witness-box, so that all was ready for the trial. There was no counsel in the case, and, that being so, the judge always examined the witnesses from the written depositions which were taken by the magistrate and returned to the court by him. Now Arabin was very short-sighted, and also very deaf. On this occasion he unluckily took up a set of depositions which had no reference to the prisoner at the bar; the charge against him being that of stealing a pocket-handkerchief, while the judge's attention was fixed upon a charge of stealing a watch. Holding the abortive writing close to the light, and peering at it through his spectacles, he began his examination.

Judge—"Well, witness, your name is John Tomkins." Witness—"My lord, my name is Job Taylor." Judge—"Ah! I see you are a sailor, and you live in the New Cut." Witness—"No, my lord, I live at Wapping." Judge—"Never mind your being out shopping. Had you your watch in your pocket on the 10th of November?" Witness—"I never had but one ticker, my lord, and that has been at the pawn-shop for the last six months." Judge—"Who asked you how long you had had the watch? Why can't you say yes or no! Well, did you see the prisoner at the bar?" "Yes, of course I did," said the witness in a loud tone of voice, for he began to be a little confused by the questions put to him. Judge—"That's right, my man, speak up and answer shortly. Did the prisoner take your watch?" Witness—(In a still louder tone.) "I don't know what you're driving at: how could he get it without the ticket, and that I had left with the missus?"

Arabin, who heard distinctly the whole of the last answer, threw himself back in his chair, adjusted his glasses, and glared at the witness-box with a look of disgust. At last he threw down the depositions to an elderly counsel, who was seated at the barrister's table, and said: "Mr. Ryland, I wish you would take this witness in hand and see whether you can make anything of him, for I can't."

Now Ryland had been dining at the 3 o'clock dinner, too, and he was never behind-hand in doing honor to the civic hospitality. He stood up, stared ferociously (for he had a countenance that could do it to perfection) at the unlucky witness, and, turning round and looking at the bench, observed: "My lord, it is my profound belief that this man is drunk." "It's a remarkable coincidence, Mr. Ryland," said the judge, "that is precisely the idea that has been in my mind for the last ten minutes. It is disgraceful that witnesses should come into a sacred court of justice like this, in such a state of intoxication." Then, leaning over his desk to the deputy clerk of arraigns, who was seated below him, he said: "Mr. Mosely, don't allow this witness one farthing of expenses. I'll put a stop to this scandal

if I can." I need hardly say that the source of the mistake was discovered, and the witness got his expenses in the end.

It is further recorded of Arabin that, in sentencing a man to a comparatively light punishment, he used these words: "Prisoner at the bar, there are mitigating circumstances in this case that induce me to take a lenient view of it; and I will therefore give you a chance of redeeming a character that you have irretrievably lost."

Again, he once said to a witness: "My good man, don't go gabbling on so. Hold your tongue, and answer the question that is put to you."

Arabin prided himself very much on possessing the faculty of recognizing faces he had once seen, and the result was that he often claimed old acquaintanceship with the rogues and thieves that were brought before him. A young urchin, who had been found guilty of some petty larceny, came up for sentence. "This is not the first time," said the judge, "I have seen your face, young gentleman, and that you have seen mine. You know very well we have met before." "No," said the boy, who began to whimper; "It's the first time I was ever here, your worship. I hope you will have mercy, my lord." "Don't tell me that," said Arabin. "I can't be deceived. Your face is very familiar to me. Gaoler, do you know any thing of this youngster?" The gaoler answered: "Oh! yes, my lord; he's a very bad boy, a constant associate of thieves. He's been very badly brought up, my lord. His mother keeps a disreputable house in Whitechapel." "Ah," said Arabin, "I knew I was right. I was quite sure your face was well-known to me."

With regard to Mr. Southgate, Q.C., and Mr. Joshua Williams, Q.C. (a valued and lamented contributor to this journal), Mr. Serjeant Robinson has much of interest to say. He remarks: It does often happen however that genius and energy suffice to overcome all apparent obstacles, whether mental or bodily, and the selection of a professional career, which, according to all human foresight, would seem doomed to failure, has in the result an astounding success.

I have in my mind at this moment an instance in the case of my late intimate friend, Thomas Southgate, Q.C. I believe, in his infancy, he was struck with what is called infantile paralysis, which, while impairing the physical powers, leaves the faculties of the mind intact. His features were distorted; his right arm was palsied, and he could only write with his left hand. His movement from place to place was rather a shuffle than a walk, and his speech was affected, though not unpleasantly so. With all these seeming disqualifications, and against the well-meant advice of his relatives and friends, he determined on going to the bar. He soon got into practice, and eventually became one of the most distinguished among those members of the profession who attached themselves to the Chancery Courts. He and Joshua Williams, Q.C., had the highest compliment paid them that any legal practitioner could well receive. When the serjeants contemplated disposing of Serjeants' Inn, these two counsel were unanimously selected by the eighteen common-law judges as well as by the non-judicial members to advise them as to their position and their rights, and they continued to act in the character of their advisers until the sale and the partition were completed.

To be thus chosen by the judges of the land from the whole body of the bar, was a just tribute to their talents and their distinction. Southgate acquired a very large fortune. A few years before he died he made it a rule that he would not make his appearance in court for any client for a less fee than fifty guineas, and he told me that during the year before he came to this resolve, his professional receipts amounted to twelve thousand guineas. He was a most amiable, and I need scarcely say, a most intelligent man, and a highly interesting companion. There never was a greater contrast between the ostensible and the real—the physical and the mental—attributes of any individual than was exhibited in his career.

Can it be that the counsel mentioned in the following passage is still living, and still unrepressible?

I remember another case of a barrister,

then recently called, appearing before the Court of Appeal, over which the Master of the Rolls, the late Sir George Jessel, presided. The novitiate had evidently prepared a most elaborate statement of his case, and seemed determined that it should be heard throughout. He poured forth argument after argument into the unwilling ears of the judges, who tried in vain to put an end to him. If ever there was a judge who could put down a persistent and implacable advocate, and make him think less of himself than was habitual to him, it was Sir George Jessel; but in this instance he was overmatched The enemy had always some fresh point to open out, and of course it must be listened to before it could be refuted. At length he mentioned one which Sir George said he would at once refuse to hear discussed—it ought to have been taken in the court below. "But, my lord, I did take it in the court below, and the judge stopped me." The chief revived. He looked forward over his desk, and said earnestly to his persecutor: "Do you mean really to say, sir, that he stopped you?" "Yes, my lord; he really stopped me." "Did he?" said the chief "you would much oblige me by telling me how he did it; the process may be useful to me in future."

Mr. Serjeant Robinson adds some new stories (new, at least, to us) to the many told of Mr. Justice Maule. A witness who had given his evidence in such a way as satisfied everybody in court that he was committing perjury, being cautioned by the judge, said at last: "My lord, you may believe me or not, but I have stated not a word that is false, for I have been wedded to the truth from my infancy." "Yes, sir," said Maule, "but the question is how long you have been a widower." Nothing would restrain him, if an out-of-the-way notion came into his head, especially if it was a satirical one. On a question of costs coming before him, he remarked: "This seems to me quite a novel application. I am asked to declare what amounts to this, that, in an action by A. against B., C., who seems to have less to do with the case than even I have, ought to pay the costs. I do not believe that any such absurd law has ever been laid down—although, it is true, I have not yet seen the last number of the Queen's Bench Reports." He was trying once a man charged with an assault upon a female. The defence set up was consent on the part of the prosecutrix, and Maule soon made up his mind that there was abundant ground for it; but it was a question for the jury, although in summing up he pretty clearly indicated to them his opinion as to the course they ought to take. But, as often happens when an interesting young specimen of the other sex is concerned, juries are apt to wink at little foibles which they would not tolerate in their own. In this instance they seemed for a long time very reluctant to adopt the judge's view; but he generally got his own way, and, having interposed with two or three sarcastic remarks during their deliberations, they at length acquitted the prisoner, whom Maule addressed in these words: "Let me, my man, give you a bit of advice. The next time you indulge in these unseemly familiarities, I recommend you to insist on your accomplice giving her consent in writing, and take care that she puts her signature to the document, otherwise, it seems to me, you may get before a jury who will be satisfied with nothing else."—*Solicitors' Journal.*

JUDICIAL NOTICE—ALCOHOL AS AN INTOXICANT.

The Georgia Supreme Court, in *Snider* v. *State* (Oct. 17, 1888), gave the following opinion:—

That alcohol is an intoxicant is as well known and established as any other physical fact. There is not one man in ten thousand, nor a hundred thousand, who, if asked whether alcohol is intoxicating, would not reply immediately in the affirmative. It is not a purely scientific fact, it is a fact that every person of the commonest understanding knows. Indeed, it is a matter of common knowledge that alcohol is the intoxicating element of the various forms of beverages known as "spirituous and intoxicating liquors." It is known by the people generally as well as they know that the sun produces heat, that summer is succeeded by winter, that flowers bloom in the spring, that the earth revolves, or that the blood circulates

in the human system. Would it be necessary upon the trial of a case, where any of these facts were involved, to prove to the jury any one of them? We apprehend no lawyer would undertake to burden the record of a case with such proof. If therefore it be unnecessary to prove any of these well-known physical facts, why should it be necessary to prove the equally well-known fact that alcohol is an intoxicant? In the case of *Briffitt* v. *State*, 58 Wis. 42, the defendant was indicted for selling intoxicating liquors without first having obtained a license therefor. The proof was that he sold beer. The question before the court was whether proof that the defendant had sold beer was sufficient proof that he had sold malt and intoxicating liquor. Orton, J., in delivering the opinion of the court, said: "At the present time we all know that this malt liquor, under the generic name of 'beer,' is made and used in most of European countries, and in our own, and is a common beverage. As long as laws for licensing the sale of intoxicating liquors have existed, brandy, whisky, gin, rum and other alcoholic liquids have been held to be intoxicating liquors *per se;* and why? Simply because it is within the common knowledge and ordinary understanding that they are intoxicating liquors. By this rule of common knowledge, courts take judicial notice that certain things are verities, without proof; as in *Chambers* v. *George*, 5 Litt. 335, the circulating medium in popular acceptation was held to mean 'currency of the State;' and in *Lampton* v. *Haggard*, 3 T. B. Mon. 149, the circulating medium was held to mean 'Kentucky currency;' and in *Jones* v. *Overstreet*, 4 T. B. Mon. 547, the word 'money' was held to mean paper currency. * * * Words in contracts and laws are to be understood in their plain, ordinary and popular sense, unless they are technical, local or provincial, or their meaning is modified by the usage of trade. 1 Greenl. Ev. § 278. When the general or primary meaning of a word is once established by such common usage and general acceptation, we do not require evidence of its meaning by the testimony of witnesses, but look for its definition in the dictionary." There are numerous other cases holding that the courts will take judicial knowledge that beer is an intoxicant, and that the fact need not be proven to the jury. It is true that there are authorities in conflict upon the question of whether beer is such a well-known intoxicant as to need no proof of the fact—some courts holding that it is, and others that it is not; but no case was cited, nor have we been able to find any, that holds that it is necessary to prove that alcohol, whisky, brandy, gin or rum are intoxicants. In the case of *Com.* v. *Peckham*, 2 Gray, 514, it was held that an "allegation in an indictment of an unlawful sale of intoxicating liquor is supported by proof of such a sale of gin, without proof that gin is intoxicating." The court say in that case: "Jurors are not to be presumed ignorant of what everybody knows; and they are allowed to act upon matters within their general knowledge, without any testimony on those matters. Now, everybody who knows what gin is knows that it is intoxicating; and it might as well have been objected that the jury could not find that gin was a liquor without evidence that it was not a solid substance, as that they could not find that it was intoxicating without testimony to show it to be so. No juror can be supposed to be so ignorant as not to know what gin is. Proof therefore that the defendant sold gin is proof that he sold intoxicating liquor." If this is a sound rule as to gin, and we think it is, it ought to be more so as applied to alcohol, "the hoary-headed mother of all intoxicants," as expressed in the charge of the court below. Of course, if it is not well known and well recognized by the people generally that a drink is intoxicating, proof of the fact that it is intoxicating should be required. If there is a new drink, or a beverage not so well-known, such as "agaric," "rice-beer" and other drinks common under prohibition laws, proof that it is an intoxicating liquor would be necessary.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, June 22.

Judicial Abandonments.

P. J. Boivin, Quebec, June 14.

Joseph Louis Gascon, Montreal, June 18.

Moise Arthur Ouimet, boot and shoe manufacturer, Montreal, June 18.

Maxime Nadeau, Fraserville, May 31.

Anselme Poulin, Iberville, June 5.

H. Samson, tanner, Quebec, June 13.

Curators appointed.

Re Geo. Bisset.—James Reid, Quebec, curator' June 12.

Re W. E. Brunet & Co., Quebec.—D. Arcand, Quebec, curator, June 19.

Re Peter Gannon.—C. Desmarteau, Montreal, curator, June 18.

Re Gravel, Kent & Co., crockery merchants, Montreal.—David Williamson, Montreal, curator, June 18.

Re Lamothe & Hervieux.—O. Poliquin, Quebec' curator, June 19.

Re M. Lebourveau & Co., Eaton.—J. McD. Hains, Montreal, curator, June 15.

Re Mederic Lefebvre, Laprairie.—Kent & Turcotte, Montreal, joint curator, June 14.

Re Joseph Mead, Coaticooke.—C. Millier & J. J. Griffith, Sherbrooke, joint curator, June 13.

Re O. A. McCoy.—J. P. Royer, Sherbrooke, curator, June 15.

Re F. X. Panneton, inn-keeper, Three Rivers.—T. E. Normand, N.P., Three Rivers, curator, June 15.

Re Anselme Poulin, Iberville.—A. F. Gervais, St. John's, curator, June 11.

Re Avery D. Reed.—Henry Miles, Montreal, curator, June 17.

Re Tremblay & Tremblay,—E. Angers, Malbaie, curator, May 15.

Dividends.

Re Dame L. Lambert.—First and final dividend, payable July 9, C. Desmarteau, Montreal, curator.

Re Dame Mary Anne White.—First and final dividend, payable July 9, W. A. Caldwell, Montreal, curator.

Re C. W. Higgins. Papineauville.—First and final dividend (41c.), payable July 8, J. McD. Hains, Montreal, curator.

Re Charles Guimont, Cap St. Ignace.—First and final dividend, payable July 9, H. A. Bedard, Quebec, curator.

Re Léon L. Raymond, l'Ange Gardien.—First dividend, payable July 9, A. W. Wilks, Montreal, curator'

Separation as to Property.

Hermine St. Denis vs. Théodore Delage, painter, Montreal, June 18.

GENERAL NOTES.

STREET ADVERTISEMENTS.—John Lee appeared at the City Summons Court recently in answer to a summons charging him with exposing an advertisement in Cheapside which had not been sanctioned by the Commissioners of Police. The defendant was attired in red trousers and wearing a long flowing girdle. On his chest and back were red straps, on which was the announcement of a tea and coffee business. It was proved that the consent of the commissioners had not been obtained.—Mr. Matthew, who represented the defendant's employer, submitted that there was no advertisement, as the defendant only had some lettering upon him. The Salvation Army went about, he said, with letters upon them, and so did the policemen with their numbers.—Alderman Tyler decided that it was an advertisement, and inflicted a fine of 5s. and costs.—*Law Journal*.

MURDER WILL OUT.—A dog proved to be a dangerous witness against his master in an Arkansas murder trial. The man denied ever having seen the dog before, but the animal picked him out among a dozen men, and manifested great delight at finding him. This incident was of importance, owing to the fact that the dog was found on the spot of the murder shortly after its occurrence, while the man declared that he had not been near the place.

LEGAL RECREATION IN DAKOTA.—A Dakota lawyer writes: "I have an addition to my family—a beautiful Jersey heifer calf. Am feeding him on skimmed milk, and living on cream that is cream. I have been teaching the calf to drink, and if one could see me in sorry looking clothes with one finger in the calf's mouth, its head between my legs, and one hand holding the milk pail, and in this shape tossed about the barn wherever the rascal sees fit to drag me, it would forever ruin my chances for the bench."

Sir Matthew Begbie, Chief Justice of British Columbia, long ago earned a high reputation for courage and probity. It is related of him that when the miners first came into the country, and lawlessness was feared, he rode alone fifty miles into the interior, went into a miners' camp and said: "Now, boys, I want you to understand that if there is going to be any shooting here, there is going to be hanging." And, as a matter of fact, law and order were much better preserved in British Columbia than in the mining communities across the border.—*Toronto Globe*.

A MILLIONAIRE'S WILL.—A New York millionaire recently died, and when his will was read it was found to contain the following curious clause: "If any one of my heirs becomes idle, a drunkard, a gambler, or a worthless fellow, a rascal, or simply a spendthrift, if until the age of fifty he does not go to business by nine in the morning every day, save Sunday or holidays, if he touches tobacco in any form, or spirits, if he attends races, breaks the Sabbath, &c., he forfeits his right to the share allotted him of my fortune." The will is disputed by the heirs, but if it is held good, they will have to be careful.

A SUPREME COURT JUDGE.—Of Mr. Justice Gray, who was at the time a bachelor, but who is now married, a correspondent of the *Albany Times* writes: "Justice Gray, by the way, is a splendid specimen of manhood. He looks precisely like one of those English clergymen that Anthony Trollope delighted to depict in his innumerable novels. He must be fully six feet four weighs probably two hundred and fifty pounds, has a clear ruddy complexion, dark hair (what there is of it), blue eyes, no beard or moustache, and only spare whiskers, worn in the English style. Justice Gray has some peculiarities, both in dress and manner. He has been an almost constant resident of Washington since he took his seat upon the bench in 1885, but winter or summer, he has not been seen without an irreproachable white cravat. In the winter time he is given to wearing a very long overcoat of the sackcoat style, which comes almost to his heels, and the soles of his shoes are of an enormous thickness The justice is an inveterate pedestrian, and if the weather will permit, he walks from his house to the Capitol, and generally alone. Although he is now sixty years old, and has been for twenty years upon the bench, either of his native State (Massachusetts) or of the (U.S.) Supreme Court, Justice Gray does not look a day over forty-five. With his excellent health, robust constitution and temperate habits, he has no doubt many years of active usefulness before him."