The Legal News.

Vol. XI. DECEMBER 1, 1888. No. 48.

Twenty appeals were heard at Montreal during the term which closed Nov. 27—besides one Crown Case Reserved. The progress with the list would undoubtedly have been more considerable but for the time consumed in hearing applications for leave to appeal from interlocutory judgments. Of these applications, which appear to be on the increase, there were an unusual number in November.

The removal of Mr. Justice Wurtele to Montreal, consequent on his transfer from the Ottawa district, has been retarded by the election case which has been proceeding before his Honour at Aylmer. This engagement will probably prevent the learned Judge from assuming his new duties before the middle of December.

The sudden death of Chief Justice Armstrong removes a member of the bar who, though not a Judge of this province, filled with much credit, for a number of years, the office of Chief Justice of St. Lucia. Mr. Armstrong was born at Berthier in 1821, was educated at the Berthier and Sorel academies, and called to the bar in 1844. In 1864, he was nominated Crown prosecutor for the district of Richelieu, and shortly after won prominence in legal circles by the skill and success with which he conducted the Crown case in the trial of Provencher for the murder by poison of Jutras. In 1871 he was appointed Chief Justice of St. Lucia, W. I., and in 1880 to the same position in Tobago, holding the two offices conjointly. In conjunction with Sir J. W. Desveaux, the governor of the colony, he prepared the Civil Code of St. Lucia, based largely on that of Quebec in civil matters, the island, like this province, having been originally a French possession. He also prepared a code of civil procedure for the island courts, and aided in the passage of a statute enacting that the criminal and commercial law of England should prevail in the colony. For these services he was created a C.M.G., and received the thanks of the legislature. In transmitting to the colonial secretary the complimentary resolutions passed by the legislature on his resignation in 1881, the Governor wrote of Chief Justice Armstrong's work :—"Measures such as these will stamp Mr. Armstrong's term of office as one which, whilst reflecting the greatest credit on himself, will be remembered on this island for the inauguration of a new and more simple machinery for the administration of law and justice." In 1886, Mr. Armstrong was appointed chairman of the Labour Commission, whose investigations have only recently been completed. Since his return to this province, he has published a valuable treatise on the laws of intestacy in the Dominion of Canada.

The *Law Journal* (London) has the following remarks on the case of *Reg.* v. *Gloster*, which will be found in the present issue :—"The evidence on the strength of which the death-bed declaration of Eliza Schumacher was tendered in the case of *Regina* v. *Gloster*, tried this week at the Old Bailey, was very slight indeed. It was simply that the doctor who received it and attended her in her last moments asked her if she made it with the fear of death before her eyes, and that she replied in the affirmative. With all persons and at all times there is the expectation of death which may take the form of fear, and all that was added in the case in question was an expectation of death by the illness from which the patient suffered. If we accept the view of Lord Justice Lush in *Regina* v. *Jenkins*, 38 Law J. Rep. M. C. 82, that 'if the declarant thinks that he will die to-morrow that will not do,' the evidence was obviously not enough; but most lawyers will agree with Mr. Justice Charles that the view of Mr. Justice Willes in *Regina* v. *Peel*, that death must be thought impending within a few hours, better expresses the true test. Lawyers will also agree that the evidence in this case clearly did not answer that test. One of the reasons given by Mr. Justice Byles for the scrupulous, almost superstitious, care necessary in accepting dying declara-

tions—namely, that the prisoner was not present—was perhaps a little unfortunate, as likely to suggest that the presence of the prisoner might make them admissible. That is, however, not the test, which is solely and simply whether the state of mind of the declarant was such that he believed he was lying in the presence of imminent death. The other question of evidence raised was the admissibility of the statements of the deceased as to her physical condition, and Mr. Justice Charles carefully excluded anything which did not relate to her then present symptoms; and again it must be pointed out that the result would have been the same if the prisoner had been present, the principle being that statements of this kind stand on the same footing as physical facts like cries of pain."

SUPERIOR COURT.

AYLMER, (Dist. of Ottawa), Dec. 12, 1887.

Before WURTELE, J.

BROWN v. HOLLAND et al.

Water-course running across property—Mill-dam—Damages caused by flooding.

HELD:—*Where one of the defendants had assisted their father to erect a mill-dam on a water-course running across his property, and the owner of the land above that on which the mill-dam had been built, sued them for the damages resulting from the flooding of his fields:*

1. *That to erect a mill-dam on a water-course which passes across one's land, although it may be hurtful to the owners of the higher lands, is not an illicit act.*

2. *That it is not an offence under Article* 1053 *of the Civil Code, and that those who assist the owner in the construction of such mill-dam are not responsible for the damages caused by such construction.*

3. *That the right conferred on the owner to utilize a water-course which passes across his land, gives him the right to flood the higher lands, which is in effect an expropriation of the usefulness of the portions of the higher lands so flooded, and that the owner who has used this right is bound to pay a just indemnity for the damages caused by such flooding.*

PER CURIAM.—The plaintiff alleges that the defendants, being the owners of a land situated below his, had erected a mill-dam on a stream which ran from his land through theirs, and had thereby flooded twenty-six acres of his land, and he claims the damages which he has suffered by the flooding.

The defendants plead that they have never been the owners of the land on which the mill-dam was erected, that it had belonged to their father, and that he had constructed the mill-dam, that he had instituted their mother his universal legatee, that she was in possession of the land and mill-dam in such capacity, and that they were consequently not liable for the damages claimed.

The plaintiff answers that the defendants personally assisted in the construction of the mill-dam, and that they were therefore personally responsible.

The defendants have proved their father's ownership and possession, the construction of the mill-dam by him, and their mother's title and present possession; and the plaintiff, on his part, has proved the damages caused to his land by the erection of the mill-dam, and that one of the defendants had superintended its construction for his father.

At the argument it was contended, on behalf of the plaintiff, that the defendant, who had taken part in the construction of the mill-dam, had committed an offence, and that he was responsible under Article 1053 of the Civil Code for the damages caused by its erection, and moreover, that under Article 1106, his obligation was joint and several, and that he was liable to be charged as a principal.

Was the act of building the mill-dam an offence under Article 1053, which would render all those participating in it responsible for the damages caused by its erection?

It was considered by the Legislature to be in the public interest to encourage the construction of mills and manufactories, and to that end it was enacted by chapter 51 of the C. S. L. C. that every proprietor of land might improve any water-course running along or passing across his land, and construct in such

water-course all such dams and other works as might be necessary.

Now, to constitute an offence under Article 1053, the act complained of must be one which he who did it had no right to do, and which was consequently unlawful. But under the statute just quoted, the construction of a mill-dam on a stream crossing one's land is permitted, and is the exercise of a right; and it therefore does not constitute an offence which renders all those who have taken part therein responsible in damages. This doctrine is clearly explained by Sourdat, at No. 419 of his work on Responsibility :— " Il faut que le fait préjudiciable soit illicite, " c'est-à-dire qu'il ne constitue pas l'exercice " d'un droit reconnu;" and also by Aubry & Rau, vol. 4, No. 444, page 746: " Un fait " dommageable ne constitue un délit que " sous les conditions suivantes: 1o. Il faut " qu'il soit illicite, c'est-à-dire qu'il ait porté " atteinte à un droit appartenant à autrui, et " qu'il ne constitue pas, de la part de son " auteur, l'accomplissement d'une obligation " légale, ou l'exercice d'un droit."

The right to erect a mill-dam necessarily confers the right to flood the lands lying above it; and this is in effect a species of expropriation of a part of the estate of another in his property, by diminishing or taking away its usefulness. The exercise of this right must therefore fall within the scope of Article 407, which provides that no one can be compelled to give up his property for the public utility, without a just indemnity. And the statute in question, which, for reasons of of public policy and for the general utility of the community, conferred this right, carries out this principle and makes special provisions for the payment of an indemnity by the owner of the mill-dam to the owners of the lands which may be damaged by its erection.

As, however, this indemnity is not due in consequence of the commission of an offence, but for the lawful expropriation of the usefulness of another's property, no joint responsibility exists for its payment between the owner of the mill-dam and those who aided in its construction.

The action must be dismissed, not only as regards the defendant who had nothing to do with the matter, but also as regards the other who superintended the building of the mill-dam.

The judgment is drafted as follows:—

" The Court, etc....

" Seeing that the plaintiff demands the amount of the damages done to his farm and resulting from the construction on a water-course called " Priest's Creek," on lot No. 13, in the 5th range of the township of Portland, of a certain dam, and the flooding of a part of his farm thereby, which dam he alleges was erected by the defendants, and which lot he alleges to have belonged and to belong to them;

" Seeing that the defendants have established that the said lot belonged to their father, William Lewis Holland, and that he erected the said dam thereon during his ownership, and subsequently bequeathed the said property to their mother, Dame Charlotte Clarke, who, at the time of the institution of this action, was the owner and possessor thereof;

" Seeing that the plaintiff, however, contends that the defendants took part in the work of construction of the said dam, and are consequently personally responsible for the damages resulting therefrom, and has proved that one of them, namely, Andrew Holland, was seen superintending and directing the work;

" Considering that it is the rule of law, in cases of offences under the civil law, that all persons concerned in the wrong are liable to be charged as principals;

"Seeing, however, that under the provisions of chapter 51 of the Consolidated Statutes of Lower Canada, the said William Lewis Holland had the right to erect the said dam, subject to the payment of any damages resulting therefrom, to be ascertained by experts, and that the construction of such dam was therefore not an offence under the civil law;

" Considering that the defendant, Andrew Holland, in superintending and directing the construction of the said dam, did not participate in an offence under the civil law, and that only the owner of the property on which the said dam is erected, or his representatives, are liable for the damages resulting therefrom;

"Doth dismiss the action in this cause, with costs."

Thomas P. Foran, for plaintiff.

J. R. Fleming, Q.C., for defendants.

COUR DE CIRCUIT.

HULL, 15 février 1886.

Coram LORANGER, J.

Ex parte ANNA ST-DENIS, requérante, & DIXIE BOUCHARD, intimée.

L'acte relatif aux vagabonds—Recorder.

JUGÉ:—*Que des insultes adressées par quelqu'un dans une rue publique à l'adresse d'une personne sur le seuil de la porte de sa maison est une offense prévue par l'Acte relatif aux vagabonds* (32-33 *Vict., ch.* 28), *et qu'un Recorder a juridiction pour connaître telle offense.*

La requérante avait été condamnée par le Recorder de la cité de Hull à $2 d'amende et à $7 de frais, ou à 15 jours de prison, pour avoir insulté l'intimée par des paroles injurieuses prononcées à son adresse, sur une des rues publiques de Hull, en vertu de l'acte relatif aux vagabonds.

La requérante obtint l'émanation d'un bref de certiorari de Son Honneur le juge McDougall, son affidavit de circonstance alléguant:—

1. Que l'accusation telle que décrite dans la plainte et la conviction, et telle que prouvée, n'en était pas une contre le statut qui définit comme un des actes de vagabondage y énumérés le fait de "*gêner les passants en se servant d'un langage insultant*," et que les injures inculpées auraient été adressées par la requérante à l'intimée alors que celle-ci n'était pas sortie de sa maison, mais était restée sur le seuil de sa porte, à la suite d'une querelle commencée dans la maison.

2. Que le Recorder de la cité de Hull n'avait pas juridiction pour connaître cette offense, parce que l'Acte relatif aux vagabonds donnait à certains magistrats, entr'autres *à deux juges de paix*, le pouvoir de juger les offenses y enumérées, et ne mentionnait pas les recorders;—que le Recorder de la cité de Hull n'a la juridiction que d'un seul juge de paix, en vertu de la charte de la cité, 38 Vict., ch. 79, art. 171, et que le pouvoir de connaître des actes de vagabondage n'était donné *qu'à la Cour* du Recorder, par l'art. 219 de ce même acte;—que le pouvoir de deux juges de paix est donné *expressément* aux deux seuls autres recorders dans la province, savoir, ceux de Montréal et de Québec, dans les limites de leur district judiciaire respectif, par l'art. 23 du chap. 105 des S. R. C., et que nul autre recorder ne saurait être investi du même pouvoir à moins de quelque statut spécial à cet effet qui n'existe pas quant au Recorder de Hull.

Le 15 février suivant (1886), Son Honneur le juge Loranger, présidant la Cour de Circuit à Hull, cassa le bref de certiorari accordé par le juge McDougall, dans les termes suivants:—

"Considérant que l'offense commise par la requérante, et jugée par la conviction dont est appel, est une offense prévue tant par le chap. 102 des S. R. B. C., que par la 32 Vict., ch. 28, et qu'aux termes du ch. 79 de la 38 Vict. de Q., le Recorder de Hull a juridiction pour connaître telle offense;

"Casse et annule le bref de certiorari émané, avec dépens."

A. McMahon, avocat de la requérante.

Rochon & Champagne, avocats de l'intimée.

(A. M.)

DEATH-BED DECLARATIONS.

At the Central Criminal Court, on September 24 and 25, before Mr. Justice Charles, Mr. James Gloster, a medical man, surrendered to his recognisances to answer an indictment charging him with the wilful murder of Eliza Jane Schumacher. The case on the part of the prosecution was that the deceased believed that she was pregnant, and that the defendant, being a medical man, performed upon her an operation, the intention of which was to cause a miscarriage, and that in the performance of that felonious act, he inflicted injuries upon her which caused her death. In the alternative, it was suggested that if the prisoner did not intend to procure a miscarriage, but in consequence of the deceased's persisting that she was pregnant, he examined her with an instrument and so injured her, it would be gross negligence, which would amount to manslaughter.—A number of witnesses were

examined on the part of the prosecution.—Mr. Poland, for the prosecution, proposed to give in evidence statements as to her state made by the deceased in the absence of the defendant. In support of his contention he cited Mr. Justice Stephen's works on the criminal law, *Palmer's Case* ('Russell on Crimes,' vol. 3, p. 352, 5th ed.), 'Phillips on Evidence' (vol. 1, p. 149, 10th ed.), and *Aveson* v. *Lord Kinnaird* (6 East, 188; 2 Smith, 286). The deceased had a belief on June 27, that she was in a dying state. Evidence was receivable not only of what she said at that time, but what she had previously said during her illness. All the statements as to her bodily condition and the cause of her suffering were evidence—not only what she said to her medical man about her illness, but to other witnesses, was admissible.—Mr. Gill and Mr. Avory, for the defence, argued on the other side. What she said about the state of her feelings was admissible, but anything she said about another person or about the cause of her state ought to be excluded. Mr. Avory cited *Regina* v. *Megson*, 9 C. & P. 418; *Regina* v. *Gutteridge*, 9 C. & P. 471; and *Regina* v. *Osborne*, 1 C. & M. 622.—Mr. Poland, in reply, contended that statements as to the cause of the symptoms could not be excluded. He did not desire any name to be mentioned, as it would not be evidence.

Mr. Justice Charles said Mr. Poland proposed to ask what the deceased said as to her bodily condition between June 23 and June 27, when she died. It was proposed to ask what she said with reference to her bodily condition and with reference to what had been done to her, and what she was suffering from. The learned judge had listened attentively to the arguments, and his judgment was that the evidence must be limited to the deceased's statements as to her bodily condition from time to time, and what she was suffering from must be limited to contemporaneous symptoms.

On September 25, the evidence was continued, and it was proved that when the deceased made the declaration on June 27, Dr. Crane asked her if she made it with the fear of death before her eyes, and she replied in the affirmative.—Mr. Poland submitted that this dying declaration was admissible in evidence. He cited the case of *Regina* v. *Jenkins*, 38 Law J. Rep. M. C. 82; L. R. Cr. Cas. 187. He pointed out that every case must depend upon its own circumstances. The woman must have known that some person had done something serious to her. From June 18 she was confined to her bed, and she never again left it. She went on from bad to worse. She wanted the defendant to come and see her, but as he did not come, Dr. Crane was called in on June 22. From that time there was no rallying point. On that day, Dr. Fincham, a physician, was called in. She was led to believe that she was in a perilous position. The whole of the circumstances of the case must be taken into account. Some questions had been put on the part of the defence as to whether the deceased had not been led to believe that she might recover. It was part of the ordinary duty of medical men not to frighten a patient at a time when there was some chance of recovery. There was the further circumstance in the case that everybody about the woman believed that she was dying. She had conversations about the disposition of her property and the care of her child. All these matters were to be added together to aid the learned judge in forming a clear and definite opinion on the subject. Mr. Poland submitted that when the deceased made the statement she knew that death was impending.—Mr. Gill argued that the deceased's statement was not admissible, and asked the learned judge to apply to this case the observation of Mr. Justice Byles, that scrupulous and almost superstitious care must be exercised in the admission of dying declarations. The statement was made by the deceased, not of her own accord, but on the invitation of the doctor. The question was whether, when she made it, she was conscious that she was in a dying state and had a settled and hopeless expectation of impending death, and was, in fact, upon the point of death. In support of his argument he quoted the case of *Regina* v. *Osman*, 15 Cox C. C. 1, in which it was decided by Lord Justice Lush that the person making a dying declaration must have a settled and hopeless expectation of immediate death. The evidence all showed

that the questions put to the deceased were questions with a view to her recovering eventually. The statement she made was: "I don't think I shall recover." She was not told that she would not recover, and no warning was given to her as to what the effect might be. The expression used by her that she did not think she would recover was no evidence that she had a settled and hopeless expectation of immediate death. He submitted that the deceased had not that expectation of death when she made the statement, and consequently that it was not admissible in evidence.

Mr. Justice Charles said the law cast upon him in this case the very heavy responsibility of saying whether the dying declaration—as it was called—was or was not admissible in evidence. The result of the decisions upon the admissibility of dying declarations was this—that there must be an unqualified belief in the nearness of death; there must be a belief without hope that the declarant was about to die. The language of the judges was varied, but this was the result of their language. In one case, for example, it was laid down that every hope of this world must be gone, and in another, *Regina* v. *Peel*, 2 F. & F. 21, Mr. Justice Willes said there must be proof that the declarant was dying and that there must be a settled and hopeless expectation of death in the declarant. In the last case of all Lord Justice Lush laid down the principle in these terms: 'The declarant must entertain a settled, hopeless expectation of immediate death. If he thinks he will die to-morrow that will not do.' With the greatest deference to that very learned judge, he would rather prefer to adopt the language of Mr. Justice Willes, and say that the declarant must entertain a settled and hopeless expectation of death—immediate death in this sense, death impending, not on the instant, but death within a very short distance indeed. These were the principles which had been laid down and which were to guide him in the exercise of his judgment. The admission of dying declarations was a great anomaly, and they ought never to be admitted, to use the language of Mr. Justice Byles, 'without scrupulous, almost superstitious, care;' and for this reason—that the prisoner was not present, there was no one there to cross-examine, and the declaration was not made under the sanction of an oath. In the present case, could he come to the conclusion that at the time she made this statement she was in a settled and hopeless expectation of death? He had come to the conclusion that he could not. The evidence went no further than this: that the woman thought she would die, that she thought she would not recover; but she did not, in his judgment, ever entirely give herself up for good, and unless she entirely gave herself up, unless, to use another expression, in the case of *Regina* v. *Jenkins*, he could come to the conclusion that in her mind every hope was extinguished and gone, her statement was not admissible. The conversations were simply conversations which a woman in a dreadful illness would be likely to have with her sister, and they did not amount to more than a series of injunctions given to her sister, not because she knew she was going to die, but because she might die. No doctor ever told her she was going to die. Dr. Crane encouraged her, and led her to believe that she would not die. The fact that she said she made the statement with the fear of death before her eyes would not make it admissible. The learned judge, having referred to the evidence, said that taking all the circumstances together, he could not come to the conclusion that the woman, when she made the statement, was in a settled, fixed, and hopeless expectation of immediate death, and in these circumstances he could not admit what was called the dying declaration.

Mr. Poland said that, that having been excluded, he did not think he ought to proceed further with the case, as the only direct evidence he had to put before the jury was the dying declaration.

Mr. Justice Charles, addressing the jury, said he had decided that the dying declaration could not be placed before the jury, and Mr. Poland did not intend to proceed further with the case. It would be the duty of the jury to find the defendant not guilty.

The jury accordingly returned a verdict of 'not guilty,' and the defendant was discharged.

THE CHARACTER OF A SOLICITOR IN 1675.

A correspondent has favored us with a copy of a printed pamphlet dated 1675, which he has unearthed in the course of some antiquarian researches, and which illustrates very curiously the reputation in which solicitors, as contrasted with attorneys, were then held. The pamphlet does not contain the name of any author, but, singularly enough, the title page bears the words "London: printed for *K*....1675." The writer says: A solicitor is a pettifogging sophister, one whom by the same figure that a North Country peddler is a merchant man, you may stile a lawyer. List him an attorney and you smother Tom Thumb in a pudding. The very name of a scrivener outreaches him, and he is swallowed up in the praise, like Sir Hudibras in a great saddle. Nothing to be seen but the giddy feathers in his crown. Some say he's a gentleman, but he becomes the epithet as a swine's snout does a carbuncle, he is just such another dunghil rampant. The silly countryman (who seeing an ape in a scarlet coat, best [*sic*] his young worship and gave his lordship joy) did not slander his complement with worse application than he that names him a law giver. The cook that served up the rope in a pye (to continue the frolick) might have wrapped up such a pettifogger as this in his bill of fare. He is a will-with-a-wisp, a wit whither thou woo't. Proteus has not more shapes than he can perform offices. He can instruct with the counsellors, plead as an attorney: he has all the tricks and quillets of an informer, nay, and a bum too, for a need—in a word, he is a Jack-of-all-trades, and his shatter'd brain like a crackt looking-glass, represents a thousand fancies. He calls himself Esquire of the Quill, but to see how he tugs at his pen and belaboureth his half-amazed clyents with a cudgel of cramp words, it would make a dog break his halter. The jugling Skip Jack being lately put to his last shift, has metamorphosed a needle into a goose feather, and the sole of an old shoe into a sheet of paper, for the best of his profession have been forlorn taylors, outcast brokers, drunken coblers, or the offspring of such like rabble rout. He hugs the papers as the devil hugg'd the witch, for they are an advancement of his science, these frisk about him like a swarm of bees, yet he is a man of vast practice if he has but half a score of 'em. If his lowsie clyents chance to recover an old rotten barn or a weather-beaten cottage, he will be sure to have two-third parts for a quantum meruit. He is Lord Paramount among the shifting bailiffs, and a sworn brother to the marshall men, and is behind none of them at the extortive faculty, having the confidence to demand item for his pains and trouble, when all the while he does nothing but hover over a quart pot. He is as offensive to the attorneys as flies are to a galled horse, and whereas their ne plus ultrâ is ten groats, Mr. Solicitor forsooth claims double fees with authority, and if the clyent prove so saucy to deny it, he will rage like Tom of Bedlam, but if that will not prevail, he'll cast a squeezing look like that of Vespasian.....In the society of true and genuine lawyers he is like an owl among so many lapwings, and is no more fit to converse with them than a hog-herd is to preach a sermon or a cinder-wench to wait upon a countess.....He writes a bill of costs in such worm-eaten characters that 'tis past the skill of a Rosicrucian to discover the apocaliptical meaning, yet for all that he will not abate you an ace of the summa totalis and that, to be sure, shall be plain enough. Wherefore he may very fitly be called the inquisition of the purse,....and more than that, he scorns to cheat you in hugger mugger, but will not fail to do so before your face. He is like the man that cried, Any tooth good barber, rather than stand out for a wrangler, if he can pump no chink out of you. He will manage your cause for a breakfast, being a noble artist at spunging. Oh! he's a terrible slaughter man at a Thanksgiving dinner. He outstrives a bailiff in all his cheating faculties, and I know none outstrips him except his infernal grandfather. In fine he is the yeoman's horseleech, the gentleman's rubbing-brush, and the courtier's quid pro quo. He is the summum bonum of knavery: in judgment a meer pigmy; in shew the bread of a demi-blazing star. To be brief, he is like a lamp

without oil, a trumpet without a sound, a smoak without fire, a fiddle out of tune, or a bell without a clapper; and differs from a lawyer as a shrimp does from a lobster, a frog from an elephant, or a tom tit from an eagle."—*Solicitors' Journal.*

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Nov. 24.

Judicial Abandonments.

Jacques Olivier Boucher, Sorel, Nov. 19.

George Duberger, hotel-keeper, Pointe au Pic Nov. 2.

Eustache Biroleau dit Lafleur, trader, Bryson, Nov. 14.

Curators Appointed.

Re Catherine Duffin, widow of late James McIver, Salaberry de Valleyfield.—W. A. Caldwell, Montreal, Nov. 16.

Re Rachel Legault (Mad. Laurin).—Kent & Turcotte, Montreal, joint-curator, Nov. 21.

Re Hermine Therien.—Kent & Turcotte, Montreal, joint-curator, Nov. 21.

Re Montreal Soap and Oil Co.—W. A. Caldwell, Montreal, curator, Nov. 21.

Re Louis Grenier.—F. Valentine, Three Rivers, curator, Nov. 16.

Re Miller & Higgins, livery stable keepers.—W. J. Common, Montreal, curator, Nov. 21.

Re William Wray.—C. Desmarteau, Montreal, curator, Nov. 21.

Re Wright, Torrop & Co., manufacturers, parish of St. George.—L. Moisan, St. George, curator, Nov. 16.

Dividends.

Re Bergeron & frère.—First and final dividend, payable Dec. 4, J. O. Dion, St. Hyacinthe, curator.

Re Blais & Emond, Quebec.—First dividend, payable Dec. 5, H. A. Bedard, Quebec, curator.

Re W. A. Caufield, Lacolle.—First dividend, payable Dec. 17, Kent & Turcotte, Montreal, joint-curator.

Re C. E. Carbonneau, Montmagny.—First and final dividend, payable Dec. 5, H. A. Bedard, Quebec, curator.

Re James Guest.—First dividend, payable Dec. 11, A. F. Riddell, Montreal, curator.

Re Archibald Jacobs.—First and final dividend, payable Dec. 12, C. Desmarteau, Montreal, curator.

Separation as to property.

Frances Eagleson vs. John Frederick Wolff, merchant, Montreal, Nov. 8.

Mary Kernan vs. Thos. Wm. Nicholson, clerk, Montreal, Nov. 7.

Marie M. Valiquet vs. Aloys M. Hulek, Montreal, Nov. 21.

Separation from bed and board.

Lemuel C. Barron vs. Rev. J. Hiscoks *es qualite* curator to Jean *alias* Jane Todd, a minor, St. Scholastique, Nov. 12.

Proclamation.

Legislature to meet January 9.

GENERAL NOTES.

OFFERING REWARDS FOR CRIMINALS.—The offer of rewards may stimulate the activity of citizens not directly interested in the detection of criminals, but it chills the activity of those directly interested, including the police, detectives, and others in the employ of the State. No doubt it is usual to limit the promise of reward to those not in the service of the police, but it is well known that rewards have been successfully claimed by private persons to whom police officers have given the information and with whom they have shared the reward. The mischief of offering rewards is that those who have information, and whose duty it is to communicate it, keep it back till a reward is offered. Another kind of mischief lies in the ambiguity of the phrase "information leading to the discovery" of the crime, and when a criminal for whose arrest there is a promise of a reward is caught there are generally several claimants. Those who have had to sue for a reward find such difficulties in their way that they are sure never to try to catch a criminal again. Rewards for energy in the prevention or detection of crime should be given after the event, on the recommendation of the judge, according to a practice not uncommon in English Courts. *Qui tam* actions are no longer brought in England. They began to go out of vogue in the reign of Henry VII., and were practically got rid of altogether by an Act of 1859, which allowed the Crown to remit in all cases. In point of disrepute the common informer has been a by-word for centuries in England.—*Law Journal* (London).

SINGULAR WILL.—Probate has been granted of the will dated June 18, 1887, of a testator who died recently and left all his residuary estate to two granddaughters, having appointed as sole executrix a daughter to whom he bequeathed 25*l*, and to his wife one farthing, which he directed the executrix to forward to her by post unpaid as an indication of his disgust at the treatment which he had received at her hands, and especially in respect of the abusive epithets, such as "old pig" and others, which she used in circumstances which he explained, but did not think justified such opprobrious language. The will has evidently been carefully drawn, although not apparently by a solicitor, and is engrossed in a clerk-like manner and duly executed by the testator.

LITTELL'S LIVING AGE FOR 1889.—During the forty-five years of its existence this sterling weekly magazine has steadily maintained its high standard. It is a thoroughly satisfactory compilation of the most valuable literature of the day, and as such is unrivalled. As periodicals of all sorts continue to multiply, this magazine continues to increase in value; and it has become quite indispensable to the American reader. By its aid alone he can, with an economy of time, labor, and money otherwise impracticable, keep well abreast with the literary and scientific progress of the age and with the work of the ablest living writers. It is the most comprehensive of magazines, and its prospectus for 1889 is well worth the attention of all who are selecting their reading-matter for the new year. To new subscribers remitting now for the year 1889 the intervening numbers are sent *gratis*. Littell & Co., Boston, are the publishers.