The Legal News.

Vol. XII. NOVEMBER 9, 1889. No. 45.

The use of the bicycle has given rise to some litigation on both sides of the Atlantic. In the English case of *Taylor* v. *Goodwin*, L. R., 4 Q. B. Div. 228, a bicycle was held to be a carriage. So, too, in the Indiana case of *Mercer* v. *Corbin*, 117 Ind. 450, it was held that a bicycle is a vehicle, and entitled to the rights of the road, and has no lawful right to the use of the sidewalks. In a more recent case in the same State, *Holland* v. *Bartch*, Supreme Court of Indiana, Sept. 18, 1889, it was held that a person in a carriage drawn by horses, and the rider of a bicycle, have equal rights upon the highway; and allegations that defendant rode a bicycle in the centre of the road at the rate of fifteen miles an hour, up to within 25 feet of the faces of plaintiff's horses, whereby they became frightened and ran away, and injured plaintiff, do not state a cause of action. The Court said: "Although the use of the bicycle for the purpose of locomotion and travel is quite modern, yet it is a vehicle of great convenience, and its use is becoming quite common. While travelling upon the highways by means of horses has been in vogue much longer, and is more universal at present than by means of bicycles, yet persons travelling by means of horses have no superior rights to those travelling upon the highway by improved methods of travel, which are consistent with the proper use of the highway.... In this case, the acts complained of in each paragraph of the complaint are the riding of the bicycle in the centre of the highway at the rate of fifteen miles per hour, to and within twenty-five feet of the faces of the plaintiff's horses. It is these acts which are charged as negligence and as a wrong, but as we have held, they are not unlawful acts and are not a wrong; hence they constitute no cause of action. To make a person liable for the doing of such acts, they must be charged to have been done at a time or in a manner or under circumstances which render him chargeable with a want of proper regard for the rights of others, which is not done in either paragraph of the complaint."

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Prof. T. W. Dwight, being asked for a list of fifty leading law books (exclusive of reports), names the following:—" Holland's Elements of Jurisprudence (3d edition); Revised Statutes of the United States; Revised Statutes of the Practitioner's State; Kent's Commentaries; Schouler on Personal Property; Pollock on Contracts; Addison on Contracts; Story on Agency; Daniel on Negotiable Paper; Reeves' Domestic Relations; Smith on Master and Servant; Bishop on Marriage and Divorce; Bishop on Married Women; Tyler on Infancy; Morawetz on Corporations; Dillon on Municipal Corporations; Angell & Ames on Corporations; Sugden or Dart on Vendors and Purchasers; Benjamin on Sales (Corbin's or Bennett's ed.); Taylor on Landlord and Tenant; Burge on Suretyship; Story on Bailment or Schouler on Bailment; Redfield on Railways; Story or Wharton on Conflict of Laws; Abbott on Shipping; Arnold on Marine Insurance; Phillips on Insurance; May on Fire and Life Insurance; Dwarris on Statutes; Browne on Statute of Frauds; Angell on Statute of Limitations; Mayne on Damages; Sedgwick on Measure of Damages; Kerr on Fraud and Mistake; Bigelow on Estoppel; May (H. W.) on Fraudulent Conveyances; Lindley on Partnership; Parsons on Partnership; Pomeroy's Equity Jurisprudence; High on Receivers; High on Injunctions; Perry on Trusts; Lewin on Trusts; Williams on Real Property; Jones on Mortgages; Washburn on Easements; Rawle on Covenants; Jarman on Wills; Humphrey's Precedents; Taylor on Evidence; Stephens on Evidence (Chase's ed.); Gould on Pleading; Daniel's Chancery Pleading and Practice." He remarks: "Being limited to the number of fifty, I have failed to include many highly valuable works. These are not to be regarded as disparaged because they are not named."

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The Hon. Alex. Morris, Q.C., who died in Toronto, October 28, was a member of the bar of Quebec, as well as of the bar of Onta-

rio. He was born at Perth, Ont, in 1827, studied at the University of Glasgow and also at McGill, Montreal, and was admitted to the bar of this Province in 1851. He practised for some years in Montreal in partnership with the late Mr. Justice Torrance. Subsequently he removed to Ontario, and after being for a time in the Dominion Cabinet, was appointed Lieutenant-Governor of Manitoba. Mr. Morris attained distinction in his youth as a writer upon Canada and the North-West, and was a warm supporter of the Confederation of the provinces.

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Mr. Robert Baxter, head of the firm of Baxter, Rose & Norton, who died October 8, is supposed to have been the oldest practising solicitor on the roll. He was born in 1802, and admitted a solicitor in 1823. He was largely engaged in Parliamentary business, being the promoter of a long list of railways and public companies. His practice extended back to a period when railways were not, and companies were comparatively few. The *Law Journal* says: "Not the least creditable incident in the career of Mr. Baxter was the loyalty with which he supported a falling cause after it had exceeded its financial tether, and in spite of the jeer in Westminster Hall of his firm as 'Baxter Knows he's Orton.' But for his adoption of the quieter paths of the law, which do not lead to high distinction, he would have been better appreciated in the public world."

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*SUPERIOR COURT, ST. FRANCIS.*

SHERBROOKE, June 28, 1889.

*Coram* BROOKS, J.

THE CORPORATION OF THE CITY OF SHERBROOKE, Petitioners, v. THE SHERBROOKE TELEPHONE COMPANY, Respondents.

*Telephone Company—31 Vic. (Q.) ch. 25—2 R. S. Q. 4705—Interpretation of—Injunction.*

HELD:—1. *That Letters Patent issued by the Lieutenant-Governor-in-Council, incorporating a Telephone Company with power to carry on business in this Province under the provisions of section 8 of 31st Vic. cap. 25, now Revised Statutes of Quebec 4705, in which power is granted to the Sherbrooke Telephone Association "to construct, maintain and operate a line or lines of Telephone through, under or along the streets, highways, bridges or water courses of towns, cities, or other incorporated or rural municipalities in said Province where said Association shall at any time carry on its operations, provided the passage or traffic in said streets or highways shall not be impeded or interfered with," are ultra vires of the Lieutenant-Governor-in-Council, and the Letters Patent should not have extended or interpreted the words of the law, 4705 R. S. Q., which simply confer upon any company incorporated by Letters Patent all the powers, privileges and immunities required for the carrying on of its undertaking; and that the control and use of the streets of the city of Sherbrooke and other municipalities of the Province can only be taken away by direct legislative enactment.*

2. *That the Injunction Act, 41 Vict. cap. 14, only extends to the suspension of works complained of, and not to the demolition of those already made.*

PER CURIAM:—The petitioners represent that they were and are a municipal corporation under a special Act of Quebec, 39 Vict. ch. 50, and as such and under the provisions of the Municipal Code were and are vested with the ownership and control of all the roads, streets and squares in said city; that the ground occupied by such streets and squares belongs to them, and they are entitled to the unrestricted possession, use and control of said roads, streets and squares; that the Sherbrooke Telephone Association are also a corporation under Letters Patent issued by order in council dated August 31st, 1888; that since their Act of Incorporation, the respondents have unlawfully and without the consent of petitioners or of the municipal council of the city of Sherbrooke, entered upon the streets and squares and lanes of said city, and particularly upon certain streets, viz: Peel, Windsor, Bridge, Bank, William, Montreal, Wolfe, Queen, Prospect, and Island streets, to the inconvenience of the public, have interfered with petitioners' control of and ownership in said streets by the planting of telephone poles and stretching their wires

in, on and above said streets, and have interfered with and invaded the fire alarm system of the city; that no authority has been given them to do this, under Letters Patent; that the only authority pretended to be so given was by the Lieutenant-Governor-in-Council, and is *ultra vires* of the powers of the Lieutenant-Governor-in-Council; that respondents have so constructed their works to the public nuisance, to the injury of petitioners, the owners of said streets, and unless they are restrained from carrying on their illegal acts, and their poles and wires be removed, petitioners will be seriously and irreparably injured; and they ask for a writ of injunction calling upon respondents to answer the complaint of petitioners and that they be ordered to suspend and stop their works, the planting of telephone poles and stretching of their wires in, on and above said streets, and to stop their works of demolition and construction, and that they be ordered to remove their poles and wires from off said streets and squares and from above them, and in default of so doing within fifteen days petitioners be authorized so to do at their, respondents,' cost.

Upon this petition, after sundry affidavits had been filed, which involved considerable delay, a writ of injunction was ordered, was served, and returned on 15th February.

Respondent appeared, and again a bill having been presented to the Provincial Legislature to give by legislative enactment the powers required by respondents, additional delay was granted on respondents' motion of February 19th, asking for a delay of one month to plead, and copy of bill filed with it, respondents exhibit No. 1, and on 9th March respondents filed their pleas.

1. General denial of petitioners' allegations.

2. That they never have committed the acts alleged in the petition, specifically negativing the allegations and denying that petitioners are owners of roads and streets, but the same belong to the Crown; that they have not taken possession of any of the streets or squares of the city of Sherbrooke, nor have they carried any wires along or across the property of petitioners nor caused any nuisance or injured petitioners.

3. Petitioners, though filing *Letters Patent* of respondents, do not ask that they be annulled or declared invalid, and respondents have the right until the same are annulled (in the words of the plea) "to do as *therein empowered and as they have done in respect to the premises.*" Then they go on to raise the real issue: "That the corporation of the city of Sherbrooke, which was created by the Legislature of the Province of Quebec, was so created subject to the laws passed, *i. e.* authorized by the Legislature of the said province in force at the time the said corporation received its charter, and further subject to the amendments to the said laws to be thereafter from time to time made by the said Legislature, either restraining, restricting or augmenting the powers of the said corporation. That within the scope of the said laws of said province is the authorization of the Lieutenant-Governor-in-Council to give to respondents all the powers by them *exercised* and *in the present proceeding complained of.*"

That the ownership of the said streets is limited to the right to exercise such possession over and control thereof as may secure to the public in general free and safe passage along and to and fro upon the same for themselves, vehicles, domestic animals, etc.

That respondents have given a monopoly to the Bell Telephone Company, which is illegal.

That petitioners have not and cannot suffer any appreciable loss, damage or inconvenience by respondents' acts, and the proceeding is not brought in their interest but in the interest of the Bell Telephone Company.

That they gave due notice to petitioners of their application for charter; gave notice to petitioners and their officers of their intention to erect poles and wires in said city; called upon them to name a person to confer with them as to place, and that this was refused; that they proceeded with their works without protest at great expense; that they largely placed their poles on private property; only erected poles on those streets not much travelled; so crossed the street as not to affect petitioners' fire alarm system; that petitioners have waived their rights by failure to protest; that there is no right to injunction, but should be by action, as there is an adequate remedy.

A very considerable amount of evidence has been gone into, and I may here say that as it now appears in this Court the parties might, without the trouble and expense of this lengthy *enquête*, have come to admissions of the facts which have any bearing upon the case, for in my opinion this case must turn upon the legal issues fairly raised as to the right of the Lieutenant-Governor-in-Council to give the powers claimed, and as to the right to remedy by injunction. Now, as to this remedy by injunction, what was sought by the petition was a restraining order or suppression of the works which petitioners alleged to be illegal, and that an order be given to remove the poles and wires from the said streets. It is alleged that the works were suspended as under our Injunction Act, 41 Vic. chap. 14, *i.e.* the writ was served and issue has been joined upon it by the pleas which I have detailed, and no motion has been made to dissolve the injunction. But the respondent has answered denying the facts of any right in petitioner to stop his works, denying that any damage has been occasioned, and also joining issue on the right of petitioners to prevent the respondent from proceeding with his works, which they claim they have a right to do, to proceed with under the Letters Patent. They say no injunction should have issued because they say that no irreparable injury is complained of or proved. What is an irreparable injury? Kerr on Injunctions says this, edition 1880, page 18:—"It is, however, no objection to the exercise of the jurisdiction by injunction that a man may have a legal remedy. The question in all cases is whether the remedy at law is under the circumstances of the case full and complete. If the remedy at law does not come up to the requisition of the case, the exercise of the jurisdiction may be proper and beneficial. Mere *inconvenience*, though the damage may be slight, may, under the peculiar circumstances of the case, constitute irreparable damage within the rule of equity, and it is under this that the objection is made. In some cases, indeed, the Court will not withhold its hand on the ground of the smallness of the damage unless it be clear beyond all manner of doubt that the damage is inappreciable."

Again: "The fact that the amount of damage cannot be accurately ascertained, may constitute irreparable damage."

Our own statute says that in certain cases the court may order suspension. (See 41 Victoria, chap. 14, S.1.)

I think, therefore, that petitioners, who have established the fact, which is not denied, that respondents have proceeded to avail themselves of the franchise granted by the Letters Patent, have proceeded to make excavations and plant poles in the streets of Sherbrooke and stretch their wires along and across said streets, had a right to test by these proceedings the powers of respondents. Had they that power under their charter? They say they had under 31 Vic. chap. 25, sec. 8, now 4705 Revised Statutes, Quebec. What does this mean? The word "undertaking" is defined by sec. 1, sub-sec. 4, now 4695 R. S. sub-sec. 4. Respondents say this gives them the right to make use of the streets and roads throughout the Province of Quebec. Petitioners say, The roads and streets and squares *above and below* the surface belong to us. They cite 752 and 757 M. Code; but respondents say, "You have only a qualified ownership." That is true, they are trustees for the public; and cite as law amongst others Laurent, vol. 6, page 77. Now, what are the uses which they have of the streets? Are they limited to the right of passage; or do they with the modern inventions extend to other objects? There is no question that they extend to all purposes within their powers for the public good, as for example the laying of water pipes for the purpose of protection from fires, the use of gas and electricity for lights *with the appliances*, the construction for the purpose of safety of the public of the fire alarm system. I refer specially to cities and towns in populous municipalities. They control the use for purposes of general necessity or convenience, and the proprietorship extends to all these objects. Lewis on Eminent Domain, sec. 131. A railway cannot occupy a street without legislative authority, Lewis, 116.

I think the view which I take may be gathered by these references. It is this: that no corporation can make use of the public streets and squares, whether they affect travel-

lers or affect the other legitimate uses to which municipalities may apply them, without authority from the Legislature. The use of the municipal corporation is not limited to the surface of the streets, it extends above and below. Others cannot have their use without *authority*. Petitioners are the proprietors so far at least. Has the power, claimed by them, been granted in this case to respondents? It has in the words of the Letters Patent, but do they follow the words of the law? I take it that the Letters Patent go to this extent and no further: The respondents are incorporated and have the powers mentioned in sec. 8. Why this was not cited or rather recited in the Letters Patent, I know not; why the powers were defined except in the words of the statute, I do not know. They have the powers, privileges and immunities required for the carrying on of their undertaking. Does this give them the power to go on and place poles and stretch wires on and above every street in every city, town and municipality in the province without reference to municipal authority? Are they thus rendered entirely independent of municipal authority? Because we must, in the interpretation sought to be placed, if accepted, go to the full extent and say the municipal authorities have no *control* or voice over them. I cannot so read the law. The public uses of the streets are in modern times greatly extended. Respondents were incorporated as a telephone company with powers to do a general business. Is it *absolutely necessary* to do business that they should use the streets, and have they, under Letters Patent, that right without any control from the municipal authorities? I take it not; and they seem in their action to have recognized this, for they say, and prove, that, instead of doing what they claim the right to do, to construct, maintain and operate a line or lines of telephone through, under or along the sides and across streets, highways, bridges or water courses of towns, cities or other incorporated or rural municipalities in said province, wherein said association shall at any time carry on its operations, provided the passage or traffic in said streets or highways shall not be impeded or interfered with by the location of poles and wires by the association, they have largely used private property instead of the streets; but they claim that in all municipalities they may go on with their work independent of the municipal authority, leaving courts to say if they interfere with the passage or traffic over the said streets; limiting the use of such streets solely to that of *passage and traffic*, which originally may have been the rule, but not now. If this is correct by the law, respondents have greater powers than any other incorporation which can use our streets for any purpose connected with lights or even water. For instance 4798 Revised Statutes, Q., sub-sec. 6, Gas and Water Companies, must in their declaration state the name of the city, town, village, in which the operations of the company are intended to be carried on, and, 4800, 4801, can only be incorporated when the municipality pass a by-law authorizing such company to lay down pipes for the conveyance of water or gas or both under the streets, squares, etc. Again, the law in incorporating the Bell Telephone Company, who I may here remark, so far as this contest is concerned, have nothing to do in this case (though referred to both in the pleadings and evidence),—see 44-45 Vic. chap. 76,—makes them subject to oversight and control by the municipality in the construction of their works, etc. See also for Natural Gas Companies, 49-50 Vic. chap. 74, sec. 3, now 4895 Revised Statutes. The exception which I find is for Electric Telegraph Companies, 4905, taken from Consolidated Statutes Canada, chap. 67, sec. 8, Railways, 5132, sub-sec. 5, but highways must be restored to their former state. These powers are given by express legislative enactment, not by implication.

A telephone company may do a business without using streets, but of course not a large business, and I may here say that respondents have evinced, and it is greatly to their credit, a desire to interfere as little as possible with the streets of Sherbrooke, but they are now asserting a right to use them independently of the municipal corporation, and the legal question is one which I have to decide. With the comparatively new uses that are made of electricity the danger to human life from the use of such a power, the responsibility which might devolve upon

municipalities if its use is not guarded in every possible way to prevent accidents, it behoves us to see that their powers are not restricted except by direct legislative action. There is no doubt that there has been to a greater or less extent an interference with the fire alarm system under the control of the corporation; and if respondents' claims are good there may be a most serious one, and the control of the streets should not be interfered with unless absolutely granted by the same power which conferred the control upon municipalities. If respondents are right they are in an exceptionably favorable position, better than any other company for like purposes in the country. They are without control in any way by the municipal authorities in Montreal, Quebec, or any other municipality in the Province of Quebec. With reference to the very great power, it is to be observed that in the bill presented to the Legislature by respondents to confirm Letters Patent (see respondents' Exhibit No. 1, filed February 19th, 1889,) the power was limited to municipalities outside of the cities of Montreal and Quebec.

As to the action of the council whether they should have assented to respondents' request for permission from them to put in their plant, it is not for this court to declare upon, nor whether it was for the public interest that another company should be allowed to carry on its operations in and through the streets of Sherbrooke.

As to the acquiescence pleaded, no consent has been given, and none can be assumed from the non-interference of petitioners prior to the presenting of the petition for an injunction.

As to remedy, was there any other adequate remedy, or if there was, had not petitioners under our own injunction law a right to such an order for the suspension of the excavations or works of demolition or construction referred to in 41 Vic. chap. 14, sec. 1? If they are within that law the Court cannot deny the remedy so far as that Act goes, to wit, the suspension of such works.

Whether the Court can go further and order demolition, under the proceedings, of what has been done is another thing. See remarks of Mr. Justice Johnson, 5 Leg. News, p. 259, *La municipalité de la Pointe Claire* v. *La Compagnie de chemin de péage de la Pointe Claire.* I think that it is questionable how far under the present proceedings the Court can order the demolition of what is done, or as it is termed, grant mandatory order.

It is said that this has become an ordinary *action négatoire*, and I am cited *Crawford* v. *Protestant Hospital for the Insane*, M. L. R., 4 S.C. 215, and a note to that case referring to *Girard & Bélanger*, M. L. R. 4 Q.B., p. 104, which was an action *en dénonciation de nouvel œuvre;* but I do not see that this, which is strictly a proceeding under an Injunction Act, can be extended to make it an ordinary action of the kind mentioned. At any rate I am not disposed to extend it beyond deciding the legal question as to the rights of the parties, and maintaining the injunction so far as making it permanent as to any further works, leaving the parties to the legal remedy as to what has been done. I presume that practically this will be as well, as I presume the case may go further, and it leaves the matter in a position to have the rights of the parties settled.

The judgment of the Court is as follows:—

"The Court having heard the parties, petitioners and respondents upon the merits of the injunction applied for and granted in this cause, by their respective counsel, examined the pleadings, proceedings and evidence, and deliberated;

"Considering that the petitioners have established the material allegations of their petition; that the respondents had prior to the said petition, without the consent of the petitioners or of the Municipal Council, entered upon the streets and squares of the said City of Sherbrooke and made excavations and planted their telephone poles therein, and carried on works of demolition and construction therein, and had carried and were carrying on and constructing their telephone system by means of poles planted and wires carried on, along and across the streets of said City of Sherbrooke to the obstruction of said streets, and had thereby interfered with the control and ownership of the streets of said city by petitioner and

the fire alarm system of the said City of Sherbrooke;

"And considering further that said petitioners were and are by law and by the enactments of the Legislature of the Province of Quebec, and particularly by the provisions of Articles 752 and 757 of the Municipal Code, vested with and owners of all such streets and squares, and owners of the ground occupied by such streets and squares, and had and have the control thereof, of which ownership and control they can only be deprived and divested by the authority of the Legislature of this Province by special enactment;

"And considering that respondents have failed to prove that by any Act of the Legislature of the Province they had or have any right to enter in and upon the streets and squares of the said City of Sherbrooke, and to make excavations therein, and to construct works of demolition or construction therein or thereon, and to stretch their wires in, along, above and across said streets, against the will of the said City of Sherbrooke and its Municipal Council, or without their consent, which respondents claim to have done and to have a right to do, in their third plea filed herein;

"Considering that in view of the importance of the fire alarm system of petitioner and the electric light system furnished by petitioner for the necessary protection and safety of the inhabitants of the said city from fire and the necessity of lights which are effectually carried on in said city by means of poles and wires planted in and on, and carried over, along and across the streets and squares of said city in every direction;

"And considering that any interference with, or danger to, the said works under the control of said city, and necessary as aforesaid for the safety and convenience of the inhabitants thereof, must prove most injurious and disastrous, and that the said city are responsible for the proper supervision of their said works, the efficiency whereof is endangered by multiplying and increasing the number of similar wires and poles in the streets of said city, in which there are, besides those controlled by and erected as aforesaid for the safety and convenience of the inhabitants of said city, other telegraph and telephone systems specially authorized to construct and carry their works by means of poles and wires along the streets of said city, subject, however, to supervision and control as provided by the Legislature or the municipal authorities of said city;

"And considering further that petitioners have not been divested by any competent authority of their right of ownership of and control over the streets and squares of said city;

"Doth grant the prayer of petitioners in so far that said respondents are ordered to suspend and stop the planting of telephone poles and the carrying and stretching of their wires in, along and across the streets and squares of the City of Sherbrooke, and to stop all works of excavation and demolition and construction in, upon and over said streets and squares and every of them, and in so far as above stated doth make said injunction permanent, reserving to petitioners their legal rights and remedies so far as relates to the demolition of the works already constructed, the whole with costs distraits, etc."

Injunction maintained.

*Ives, Brown & French*, attorneys for petitioners.

*Terrill*, attorney for respondents.

*A. S. Hurd*, counsel.

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### *INSOLVENT NOTICES, ETC.*

*Quebec Official Gazette, Nov. 2.*

*Judicial Abandonments.*

Joseph Elzéar Asselin, trader, St. Joseph d'Alma, Oct. 26.

Joseph Stanislas Jérôme Beaulieu, doing business under the name of Jos. S. Beaulieu & Co., Quebec, Oct. 30.

Wm. Bertrand, doing business under the name of Wm. Bertram & Co., manufacturer, Montreal, Oct. 17.

Duncan Everett Dewar, Aylmer, Oct. 25.

Joseph Donati, jeweller, Quebec, Oct. 26.

Martin, Granger & Co., Montreal, Oct. 28.

Benjamin Hugman, trader, Montreal, Oct. 28.

Joseph Adrien Leguerrier, Ste. Scholastique, Oct. 23.

F. Pennée et al., Quebec, Oct. 23.

Robitaille, Bernier & Bernier, dry goods merchants, Quebec, Oct. 28.

*Curators appointed.*

*Re* Anselme Asselin, St. Joseph d'Alma.—D. Arcand, Quebec, curator, Oct. 28.

*Re* M. Bentley et al., Bishop Crossing.—C. Millier and J. J. Griffith, Sherbrooke, joint curator, Oct. 28.

*Re* Wm. Bertram, fork manufacturer, Montreal.—C. H. Walters, Montreal, curator, Oct. 26.

*Re* Vilbon Brodeur, Ascot. — C. Millier and J. J. Griffith, Sherbrooke, joint curator, Oct. 28.

*Re* Buisson & Co.—Kent & Turcotte, Montreal, joint curator, Oct. 26.

*Re* Edouard Caron, parish of St. Antoine de la Rivière du Loup.—A. Lauranger, St. Antoine de la Rivière du Loup, curator, Oct. 23.

*Re* Caron & Leclerc, parish of Rivière du Loup.—A. Lauranger, St. Antoine de la Rivière du Loup, curator, Oct. 23.

*Re* F. A. Chagnon.—Bilodeau & Renaud, Montreal, joint curator, Oct. 25.

*Re* François Chaumelle, St. Johns.—J. B. H. Beauregard, Iberville, curator, Oct. 23.

*Re* Frank A. Des Roches.—Bilodeau & Renaud, Montreal, joint curator, Oct. 23.

*Re* Dame Marie Brien dit Desrochers, doing business as H. Girard & Co.—Kent & Turcotte, Montreal, joint curator, Oct. 30.

*Re* Dame Pauline Dreyfus, wholesale jeweller, Montreal.—W. A. Caldwell, Montreal, curator, Oct. 23.

*Re* Laughran & Adams.—G. DeSerres, Montreal, curator, Oct. 24.

*Re* Cyrille Lanthier (Lanthier & Co.).—Kent & Turcotte, Montreal, joint curator, Oct. 30.

*Re* Joseph Leclerc, furniture dealer.—W. A. Caldwell, Montreal, curator, Oct. 21.

*Re* E. Lemire, Ascot Corner.—C. Millier and J. J. Griffith, joint curator, Oct. 28.

*Re* M. Lepage.—Kent & Turcotte, Montreal, joint curator, Oct. 26.

*Re* Isaie Lespérance, butcher, Montreal.—B. Jubinville, Montreal, curator, Oct. 23.

*Re* E. McConkey, St. Johns. — Kent & Turcotte, Montreal, joint curator, Oct. 22.

*Re* N. A. Parent, Danville.—C. Millier and J. J. Griffith, Sherbrooke, joint curator, Oct. 28.

*Re* Ernest Perras, Montreal. — Kent & Turcotte, Montreal, joint curator, Oct. 29.

*Re* R. W. Stoddart, watchmaker and jeweller, Montreal.—W. A. Caldwell, Montreal, curator, Sept. 25.

*Re* James F. Stuart, Montreal. — A. F. Riddell, Montreal, curator, Oct. 25.

*Re* Frederick C. Welden, Grenville.—W. A. Caldwell, Montreal, curator, Sept. 23.

*Dividends.*

*Re* M. O. David, jr., merchant tailor, St. Hyacinthe.—First and final dividend, payable Nov. 20, J. O. Dion, St. Hyacinthe, curator.

*Re* M. O. David, sr.—First and final dividend, payable Nov. 13, J. O. Dion, St. Hyacinthe, curator.

*Re* Fortin & Morency.—First and final dividend, payable Nov. 19, A. Lemieux, Quebec, curator.

*Re* E. Lemieux, Chicoutimi.—First dividend, payable Nov. 20, Kent & Turcotte, Montreal, joint curator.

*Separation as to Property.*

Marie Edesse Mailloux vs. Louis Calixte Dupuis, merchant, township of Hereford, Oct. 21.

*Notarial minutes transferred.*

Minutes of late H. St. Germain, N.P., St. Hyacinthe, transferred to his son, Jules St. Germain, N.P., St. Hyacinthe, Oct. 24.

## *GENERAL NOTES.*

PROSECUTIONS FOR LIBEL.—It was supposed that a valuable reform in the law had been effected when it was enacted that no criminal prosecution for libel should be instituted against a newspaper proprietor or publisher without the order of a judge, but probably that reform would have been more valuable and less open to the suspicion of partiality towards a particular power in the land if it had been ordained that no criminal proceedings should be taken against anyone for libel without the order of a judge. Last Tuesday, at the Old Bailey, a gentleman was tried for libel, and, as the publication was made out and the letter complained of was a libel, the jury could not do otherwise than find for the Crown. But the Recorder promptly fined the defendant 'one shilling,' and by that sentence signified his opinion of the proceeding. Most people will think that solemnly to indict and try a man for an 'offence' for the commission of which the majesty of the law is satisfied with the sum of twelve pence is a thing which ought not to be within the uncontrolled power of a private person. In the particular instance the case seems to have been proved by the person who received the libel, and the prosecutor was not called as a witness.—*Law Journal* (London).

A LORD JUSTICE'S ADVICE TO YOUNG LAWYERS.—Lord Justice Lindley's advice to young lawyers and brief history of himself, delivered at Owens College, may well be taken to heart by all who read it. He has been a law student for forty years, and means to continue in that character so long as his brain works. Lawyers have long suspected this of the Lord Justice, as, unlike some others, he has not given up editing his own books after reaching the bench. These invaluable works will have the touch of the master's hand for the term of his natural life. Law is to him an engrossing subject. It is a succession of problems arising out of human conduct, the solution of which has for him, among others, a very great charm He is no pessimist as to the present condition of the profession of the law or of the machinery of justice. "Master your facts" and "act only when you are cool" are his maxims for the young practitioner.—*Ib.*

A SURPLUS OF COMMAS.—A correspondent of the *Law Journal* writes:—"May I call your attention to the confusion in the Revenue Act, 1889, occasioned by the punctuation? In clause 1 commas are inserted after every few words, and no stop of greater value is used except at the end, where a full stop appears. The consequence is that there is no clue to the intention of the Legislature; whether agreements for the sale of goods, wares, or merchandise, or stock, &c., are to be charged with an *ad valorem* duty, or whether these, like lands, tenements, hereditaments, or heritages, or property locally situate out of the United Kingdom, are excepted from this duty. Probably the Board of Inland Revenue will take one view of the matter and the Courts of law another."

AN EQUIVOCAL DEFINITION.—It was once explained to an innocent inquirer when he asked what was meant by calling the Court of Appeals a 'court of last resort,' that it meant if he wanted justice that there was the last place to go for it.