The Legal News.

VOL. X. JANUARY 29, 1887. No. 5.

The vacancy in the Court of Queen's Bench, created by the death of Mr. Justice Ramsay, has been filled by the appointment of Mr. Church, Q.C. While regret must be felt that some of the seniors of the profession, such as Messrs. Bethune, Abbott and Kerr, have been once more, and, it may be, as to some of them, finally passed over, it is satisfactory to learn that the choice of the government has fallen upon a gentleman so well qualified as Mr. Church. The new judge has been 28 years at the bar, and has filled the offices of Attorney-General and Treasurer in provincial administrations. He has acquitted himself well in these positions, and for a number of years has been the senior member of the firm of Church, Chapleau, Hall & Nicolls, a prominent city firm. Mr. Church is personally much esteemed, and, although he has a difficult *rôle* to fill, in succeeding to a judge so distinguished as Mr. Justice Ramsay, there is every reason to believe that he will be an ornament to the position. The sayings of the honoured dead, under proper reserves, are matter of history, and we do not think there is any indiscretion in disclosing that when Mr. Church's name was publicly mentioned, about two years ago, in connection with another judicial position, Mr. Justice Ramsay expressed to the writer his admiration for Mr. Church's great ability as a lawyer, and his belief that the appointment, if made, would be a highly satisfactory one.

The appointment of Mr. Melbourne M. Tait, Q.C., to the district of Bedford, in the room of Mr. Justice Buchanan, resigned, has given general satisfaction. Mr. Tait has been 24 years at the bar, and during the greater part of that time has been a prominent member of the firm of Abbott, Tait & Abbotts, and constantly engaged in the most important commercial cases. Mr. Tait's name has been publicly mentioned in connection with this appointment for several weeks past, and during that time we have failed to hear a single word of disapproval; on the contrary the leading men of both parties have expressed their entire satisfaction at such an excellent selection. The bar of Bedford are to be congratulated on their new judge. The only regret we have to express is that Mr. Tait has not been appointed to the city bench, in which position his long experience in commercial cases would have been directly available. However, the new judge will naturally give to the city such time as may be spared from the work of the Bedford district, and we hope that at no remote day he may be transferred permanently to Montreal.

The forthcoming issues of the *Montreal Law Reports* have a melancholy interest owing to the large share which the opinions of the late Justices Ramsay and Torrance have in their composition. It is wonderful, in looking back upon the reports of the last few years, to note the activity which these two lamented judges have constantly manifested. With regard to Mr. Justice Ramsay, the reader will find no indication of shrinking from difficulties. Some of the opinions are exhaustive treatises upon the subjects under discussion. Note, for instance, the fulness of the opinions in *Langlais & Langlais*, 9 L. N. 90; in *Cadot & Ouimet*, M. L. R., 2 Q. B. 211; in *Macdougall & Demers*, M. L. R., 2 Q. B. 170; in *Corner & Byrd*, M. L. R., 2 Q. B. 262; and in *Jones & Cuthbert*, M. L. R., 2 Q. B. 44. After reading the opinion in *Cadot & Ouimet*, we expressed some surprise that he should have found time for such an elaborate review of the law, and remarked that it must have occupied at least an entire week. "More than that," replied the judge with a smile, and in a tone which implied that the estimate fell considerably short of the fact. In addition to all this labour which devolved upon him in the course of his judicial duties, he found time for such papers as occur in 9 L. N. 97, in which the measures introduced for the amendment of the criminal law are fully reviewed, and in 8 L. N. 313, upon the Boundary question, and for the prosecution of his work in digesting

the appeal decisions during thirteen years. His open letter to the Attorney-General on the subject of Judicial Reforms, 5 L. N. 273-287, occupied a month of vacation leisure. Mr. Justice Torrance also produced a great number of opinions within the last few years, some of which have still to be published. One of the latest that he delivered personally was in *Ross* v. *Hannan*, Dec. 14, the judgment being rendered almost immediately after the argument. Other opinions were read by his colleagues while he lay upon what proved to be his death-bed.

An appreciative writer in the *Quebec Chronicle* (J. M. L.), referring to the elevation of Mr. Justice Baby to the presidential chair of the Numismatic Society, says this event "seems to have infused new life into this society, already in existence for several years past. Mr. Chauveau's mantle, on retiring, could not have fallen on more worthy shoulders. Judge Baby's tastes are those of an antiquarian. He has, after years of toil, succeeded in gathering together a large number of rare works, prints, etc., on Canadian history. His collection of private letters, bearing on the early times of the colony, and especially those relating to the sieges of 1759 and 1775 and on the war of 1812, is both extensive and very curious to examine. It also comprises the autographs, likenesses and crests of many of the leading personages of these periods. In this the learned judge seems to have taken a leaf from the book of his predecessor, Sir L. H. Lafontaine, a well-read jurist as well as an antiquarian. Judge Baby has met with congenial spirits in two antiquarians and historians, Abbé Verreau and Raphael Bellemare, Jacques Vizer's friend, both of Montreal."

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*SUPERIOR COURT, MONTREAL.**

Opposition to seizure—Costs—C. C. P. 586.

An action having been dismissed with costs, one of the defendants, in order to recover his costs, caused an execution to issue, and seized the moveables in plaintiff's domicile. The plaintiff's wife filed an opposition, claiming the effects as her property, and she asked costs against the defendant seizing.

HELD:—That the opposant was not entitled to ask costs against the creditor seizing (here the defendant), but only (C. C. P. 586) against the judgment debtor (here the plaintiff); and a mere notice in writing of her claim to the effects, transmitted to the seizing party, did not entitle her to costs against him.—*Brown* v. *Ross et al.*, and *Howard et vir*, opposants, Torrance, J., Nov. 30, 1886.

Unpaid vendor—Incompatible conclusions—Demurrer.

An unpaid vendor is not entitled at the same time to pray for the resiliation of the sale, and also that the goods be sold and that he be paid by privilege from the proceeds; but he is entitled to pray for the resiliation of the sale and the return of the goods without offering the buyer the option of paying the price.

So, where the plaintiff prayed for the resiliation of the sale and also that he be paid the price out of the proceeds of the goods, it was held that such conclusions were incompatible, and the defendant, under C. C. P. 120, might, by dilatory exception, have called upon him to declare his option; but a demurrer to the action generally, with conclusions for its dismissal, was held bad because the demand for the resiliation of the sale was well founded.—*Wylie* v. *Taylor*, Loranger, J., Nov. 28, 1884.

Requête civile—Novation—Judicial counsel.

HELD:—1. That novation does not take place where the second obligation is only to be the result of the non-fulfilment of the first, and its conversion, *à titre d'indemnité*, into the payment of a sum of money.

2. Notice of the appointment of a judicial adviser to a party in the cause should be given to the opposite party.—*Forgues* v. *Brosseau*, In Review, Torrance, Gill, Mathieu, JJ., Nov. 30, 1886.

Company—Action for calls—Allotment of stock—Formalities for making calls on stock.

HELD:—1. The fact that the capital stock of a company has not been fully subscribed,

* To appear in Montreal Law Reports, 2 S.C.

is not a defence to an action by the company against a shareholder for calls on shares subscribed for by him.

2. An allotment of stock is not necessary before instituting an action for calls against a shareholder who has subscribed for a specific number of shares.

3. The enactment of a by-law to regulate the mode in which the calls shall be made is not imperative. Where no by-law exists, the calls may be made as prescribed by the directors. — *The Rascony Woollen & Cotton Manufacturing Co.* v. *Desmarais*, In Review, Gill, Buchanan, Loranger, JJ., April 30, 1886.

Tutor—Sale of immoveables of minor—Formalities of sale—Nullity.

HELD:—That the sale by a tutor of the immoveables of the minor without the observance of the formalities prescribed by law is null; and even where the tutor is authorized to sell such immoveables by the will of his deceased wife, from whose succession the property devolved to the minors, he is bound, after his appointment as tutor, to observe the formalities prescribed by law.

2. The nullity can be invoked by the tutor himself, in answer to an action *en garantie*, alleging that the tutor has sold property as belonging to minors to which they had no legal right.—*Pichette* v. *O'Hagan*, In Review, Plamondon, Bourgeois, Loranger, JJ., Nov. 30, 1885.

Disabilities of corporations—Acquisition of immoveable property—C. C. 364, 366.

HELD:—That the provisions of C. C. 364, 366 are general and apply to all corporations without distinction; and therefore a building society incorporated by the Dominion Parliament to carry on operations throughout the Dominion is subject to the disabilities imposed by C. C. 366, and cannot acquire immoveable property in the Province of Quebec without the permission of the Crown. —*Cooper et al.* v. *McIndoe*, Loranger, J., Dec. 31, 1885.

Prescription—Interruption of—Mention of debt in inventory of debtor's succession.

HELD:—That the mention of a debt by a debtor, in the inventory of the succession of his *auteur*, is an acknowledgment of the debt which has the effect of interrupting prescription.—*Christin* v. *Archambault*, In Review, Doherty, Papineau, Loranger, JJ., Jan. 30, 1886.

Sale—Delivery—Completion of contract—Damages.

The defendant agreed to purchase, at 10½ cents per lb., a quantity of cheese then in warehouse in Montreal, with right to reject spoiled cheese. The cheese had to be weighed, in order to ascertain the sum total of the price. He sent men to examine the cheese, and they set apart 1,643 boxes as acceptable, and rejected 33. At his request, the cheese, which was to have been removed on Friday, 16th April, was allowed to remain in the same store a few days longer. On the following day, it was damaged to a small extent by a great flood which inundated the warehouse. The defendant then refused to carry out the purchase, and the cheese was resold at a loss, and the present action was brought by the seller to recover the difference.

HELD:—That the sale was complete on the examination of the boxes, and the cheese was then at the risk of the buyer who must bear the loss.—*Ross* v. *Hannan*, Torrance, J., Dec. 14, 1886.

Attorney—Distraction of Costs—Saisie-arrêt for costs after debt is discharged.

HELD:—Where the plaintiff had obtained judgment for the amount of his claim with costs *distraits* in favor of his attorneys, and had given the defendant a discharge for the debt, that he still retained sufficient interest in the suit to entitle him to take proceedings in execution of the judgment of distraction in favor of his attorneys (more especially when the attorneys signed the *fiat* for the writ), and a *saisie-arrêt après jugement* for the costs, issued in the plaintiff's name, was maintained.—*Morin et al.* v. *Langlois et al.*, In Review, Johnson, Papineau, Jetté, JJ., Nov. 30, 1886.

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*COURT OF QUEEN'S BENCH—MONTREAL.**

Lessor and Lessee — Ejectment — Action by proprietor of undivided half.

HELD:—That the proprietor *par indivis* has a right to bring an action of ejectment against a person holding the property solely by the will of a co-proprietor, the proprietor of an undivided share not having any right to lease the whole property, nor even his own share of it, without the consent of his co-proprietor. — *Stearns*, Appellant, and *Ross*, Respondent, Dec. 30, 1885.

CIRCUIT COURT.

QUEBEC, Dec. 1, 1886.

Before CASAULT, J.

LACOMBE v. BRUNEL.

Seaman—Action for wages.

HELD:—That a seaman, who had served on board a Canadian vessel, in the inland waters of this province, which was wrecked in one of her voyages, has a right to sue the owner of that vessel for the balance of his wages as such seaman on board said vessel, although the seaman had previously obtained judgment for the same amount against the master, from whom the seaman could not recover the amount of the judgment, the master being insolvent.

Pelletier & Chouinard, for plaintiff.

Montambault, Langelier, Langelier & Taschereau, for defendant.

(J. O'F.)

CIRCUIT COURT.

QUEBEC, Dec. 13, 1886.

Before CARON, J.

HAMEL v. WEBB.

Bailiff—Obligations of.

HELD:—1. A bailiff, even belonging to another district, is obliged to immediately execute a writ of execution sent to him; and his refusal to so execute such writ, will entail a *contrainte par corps* against him.

2. It is no answer for such bailiff to plead, to the *contrainte par corps*, that his disbursements had not been forwarded to him, unless he shows that he had, before such refusal, made a demand for such disbursements.

J. E. Bédard, for plaintiff.

Caron, Pentland & Stuart, for bailiff.

(J. O'F.)

COUR D'APPEL DE POITIERS (CH. CORR.)

29 octobre 1886.

Présidence de M. SALMON.

MIN. PUB. v. LELOUIS ET AL.

Animaux—Bête fauve—Renard—Dommage actuel—Dommage imminent—Chasse—Excuse.

Le fait, de la part du propriétaire, de repousser ou de détruire les bêtes fauves, spécialement les renards, qui portent dommage à ses propriétés, constitue non pas un acte de chasse, mais l'exercice d'un droit de légitime défense qui n'est soumis à aucune condition (L. du 3 mai 1844, art. 9, § 3).

Et la présence prolongée de bêtes fauves, sur une propriété ou dans son voisinage, peut être considérée comme un dommage actuel ou imminent qui justifie l'emploi, pour la destruction de ces animaux, des moyens usités en pareil cas et même des armes à feu.

Le fait de tirer un coup de fusil dans un bois qui n'est pas un enclos dépendant d'une habitation peut être considéré comme un acte de chasse, tant que le porteur de l'arme ne démontre pas qu'il était dans un des cas d'excuse prévus par la loi; il y a présomption du fait de chasse, jusqu'à la preuve contraire.

Jugement du Tribunal correctionnel de Marennes en date du 5 juillet 1886, ainsi conçu:

"Attendu que l'article 9 de la loi du 3 mai 1844, reconnaît à tout propriétaire, possesseur ou fermier, le droit de repousser et de détruire, même par les armes à feu, les bêtes fauves qui porteraient dommage à ses propriétés;

"Attendu que, pour rendre ce droit efficace, la loi a dû permettre au propriétaire ou fermier de se faire assister et aider par tels auxiliaires qu'il lui plaira de choisir;

"Attendu que le renard est incontestablement un fauve, que le propriétaire ou le

* To appear in Montreal Law Reports, 2 Q.B.

fermier a le droit de repousser et de détruire;

"Attendu qu'il est constant en fait que depuis longtemps des renards infestaient la commune de Hiers-Brouage et que beaucoup d'habitants ont été victimes des déprédations de ces animaux; que, dans la soirée du 28 mai dernier, Lelouis père et fils, leur fermier, Debrie, et leur domestique, Pouvreau, se sont réunis pour poursuivre et détruire un renard qui venait d'enlever une poule;

"Attendu que le fait reproché aux prévenus rentre dans la disposition finale du paragraphe 3 de l'article 9 de la loi du 3 mai 1844 et ne constitue ni délit ni contravention; qu'en effet, la présence du renard dans la ferme de Lelouis, le dommage qu'il venait d'y causer, constituaient bien le péril imminent autorisant chacun à employer le moyen le plus efficace pour défendre sa propriété;

"Par ces motifs,

"Renvoie les prévenus des fins de la plainte, sans dépens."

Sur appel du ministère public, la Cour a rendu l'arrêt suivant:

La Cour,

Attendu que le fait de tirer un coup de fusil dans un bois qui n'est pas un enclos dépendant d'une habitation peut être considérée comme un acte de chasse, tant que le porteur de l'arme ne démontre pas qu'il en a fait usage, soit pour atteindre un autre but qu'un gibier, soit pour tuer un animal dont la destruction est permise, à l'aide de ce moyen, par l'autorité compétente, soit pour se protéger contre les attaques d'un fauve, soit pour repousser par la force un animal nuisible accomplissant ou venant d'accomplir un dommage;

Attendu qu'il résulte du procès-verbal dressé par la gendarmerie de Marennes que, dans la soirée du 20 mai dernier, plusieurs coups de feu ont été entendus dans le bois de la Guilletterie, commune de Hiers-Brouage, et qu'on doit, dès lors, admettre, jusqu'à preuve contraire, qu'ils ont été tirés par des personnes se livrant à la chasse;

Attendu que les éléments suffisants d'une preuve ne sauraient résulter de la simple déclaration des prévenus, alléguant qu'ils s'étaient mis à la poursuite d'un renard qui venait de leur enlever une poule, s'il était établi par ailleurs qu'ils ont tiré les coups de feu entendus par les gendarmes;

Mais attendu que, loin de faire cette constatation le procès-verbal atteste, au contraire, que les sieurs Debrie et Pouvreau étaient porteurs, au sortir du bois, d'une ferrée et d'une faux, et que les autres délinquants n'ont point été vus; qu'il n'est donc pas possible de faire résulter des faits ainsi consignés la preuve que les prévenus ont fait usage d'une arme à feu;

Attendu qu'à la vérité, les prévenus ont reconnu qu'ils s'étaient mis à la poursuite d'un renard; mais comme ils ont déclaré en même temps qu'ils n'étaient porteurs d'aucune arme à feu, on ne saurait rencontrer, dans leurs aveux, la preuve qu'ils ont commis l'acte de chasse illicite qui leur est imputé;

Adoptant au surplus les motifs des premiers juges,

Confirme la décision dont est appel, et renvoie les prévenus des fins de la prévention, sans dépens.

Note.—Les principes admis par le Tribunal sont conformes à la jurisprudence désormais établie; le droit de repousser les fauves, en cas de dommage actuel ou imminent, même par délégation, et en dehors de sa propriété, est absolument certain au profit du propriétaire: Paris 30 avril 1881; Amiens 31 août 1882 (D. 82.5.64); Poitiers 19 janvier 1883 (D. 83.2.45); Cass. 8 avril 1883 (D. 83.5.53); Cass. crim. 29 décembre 1883 (D. 84.1.96) Comp.: Trib. civ. Blaye 21 janvier 1885 (Gaz. Pal. 85.2.76) et la note. De même, il est certain que le renard est une *bête fauve*, dans le sens de l'article 9 de la loi de 1884: Caen 26 juin 1878 (D. 80.2.73), quoique ce soit, en termes de vénerie, une *bête rousse:* Giraudeau et Lelièvre, Nos. 691-693). Mais nous ne croyons pas qu'il existe d'arrêts consacrant d'une façon aussi formelle le principe édicté par la Cour de Poitiers, à savoir: que quiconque est convaincu d'avoir tiré, en dehors d'un enclos attenant à une habitation, un coup de feu, est présumé avoir commis un délit de chasse, jusqu'à preuve contraire, preuve qui est à sa charge, puisqu'il s'agit d'une excuse invoquée.—*Gaz. du Palais.*

VICE-CHANCELLOR BACON.

So little expected was the retirement of Vice-Chancellor Bacon on the morning of the day he retired that, when the news spread, it seemed to come with almost dramatic suddenness to all. Very well did the Attorney-General discharge the duty that fell to him on such short notice, and extremely touching was the reply of the last of the Vice-Chancellors. One great distinctive feature in Vice-Chancellor Bacon was the perennial freshness of intellect which characterised him. His body might be feeble and show traces of the operations of time on it during the whole of the nineteenth century, and two years of the eighteenth, but that keen intellect remained clear and bright as ever, and a match for any of the "young men" who practised before him. One remarkable proof of his power of mind was his ability to adapt himself to every change in the law. In this respect he differed remarkably from Kelly—the last of the Chief Barons. As related in "A Generation of Judges," Chief Baron Kelly, although he never opposed the Judicature Acts, yet simply ignored them, except so far as they altered the details of practice. It would have been sacrilege to speak of the Exchequer *Division*, the High Court of Justice, or the Supreme Court of Judicature before him. Nothing could exceed his astonishment and indignation to be told when he obtained a new puisne that his proper title was Mr. Justice Hawkins. He simply refused to allow him to be so addressed. If the ancient title of Baron was denied, he should be called simply Sir Henry Hawkins, a style by which he is still known among officials who served in the Exchequer Court. We need hardly point out how different in this respect was Vice-Chancellor Bacon. This trait in his character was all the more remarkable as it was not till he was over seventy years of age that he was made a judge. So many and such good anecdotes about him have been told us, and have appeared in the papers, that we cannot forbear repeating and extracting a few for the benefit of those who may not have heard them. For instance, the patience the Vice-Chancellor displayed in listening to the cases that came before him may perhaps be well explained by his remarks to a junior who was expressing his regret at having detained the court so long. "Don't apologise to me. You haven't detained me. I am bound to be here, and either listening to this case, the next, or some other. I have no reason to suppose that the next case will be less uninteresting than this." Anyone casually observing the Vice-Chancellor in court would have supposed that he was not paying much attention. That this was not so he often showed in the readiness with which, in delivering judgment, he marshalled the facts and the evidence, and by the remarks he often made to counsel. One very good instance of this was told us. The Vice-Chancellor was remarkable for the purity of his English, and bad English was to him as annoying as a bad construe is supposed to be to the senior classic. A well-known junior, not famous for the elegance or correctness of his diction, was applying for the payment out of a certain sum of money which was in court; the Vice-Chancellor sitting in his well-known apathetic manner. "There is a sufficient sum of money *laying* in Court, my lord, to ——." "What?" interrupted the Vice-Chancellor, suddenly wakening up. "I was saying, my lord, that there is a sufficient sum of money laying in court to——." Here counsel was again interrupted, and made to repeat it once or twice again, to the intense amusement of those present, after which the Vice-Chancellor pushed aside the papers and said, "I should be very sorry to disturb such a profitable fund," and refused the application. We believe the learned counsel does not know to this day whatever there was to laugh at. The following struck us as being remarkably illustrative of him :—On one occasion a very pertinacious advocate, having drearily gone through one part of his case, said, "Then, my lord, we come to the matter of the accounts, to which I desire to direct your lordship's attention." "This is not the place for it; the accounts cannot be taken here, they must be discussed in chambers." "There are only three items I wish to mention." "Three more than it is my duty to consider now; three more than I propose to consider." "There is one item

which I am particularly anxious to go into." "Go into it by all means," said the judge, "but do not ask me to go into it. Go into it with my chief clerk; or if you cannot wait till you get an appointment with him—for I do not wish to abridge your lawful enjoyments—go into it alone." On another occasion, a counsel, notorious for his long-winded speeches, was bringing in a great deal of irrelevant matter, when he was thus addressed by the learned judge:—"Mr. X., at any other time or in any other place I should be most happy to converse with you on this or any other subject, but what you are now saying has nothing to do with the case before me, and I must request you to confine yourself to the subject matter of the case." After having thus politely delivered himself judicially, the learned judge proceeded to give an *obiter dictum* on the learned counsel before him, saying, *sotto voce*, "jabbering idiot."

The Vice-Chancellor was often very pointed and pithy in his judgments, as will be seen from the two following extracts, mentioned in the *Solicitors' Journal*:—

In one case, the question was whether the defendant, who lived on one side of the street, ought to be prevented from so increasing the height of his house as to diminish the amount of light coming to the windows of the plaintiff, who lived on the other side of the street. In delivering judgment, the Vice-Chancellor is said to have made the following remarks:—"The plaintiff is an artist. The proposed building will undoubtedly diminish the amount of light which has for the statutory period been in the habit of finding its way into the plaintiff's studio. An attempt has been made to justify this interference with the plaintiff's property, and for this purpose certain considerations have been suggested, which, by the courtesy of the counsel on the other side, have been called an argument. I am told that if the plaintiff's work is to be properly executed, it is desirable that light should fall upon it from only one source; that the studio is sufficiently lighted by a skylight, with which the defendant's building cannot possibly interfere; and that the defendant is conferring a positive benefit upon the plaintiff by removing the inconvenience which would necessarily be caused by an access of light from other sources. Now, I am not aware that there is any rule of law, or any principle of equity, which confers upon a man's opposite neighbours a right to decide upon the amount of light which is good for him, and I am of opinion that the gentlemen with whom this argument originated are in no danger of suffering from an excess of illumination."

In another case, a plaintiff, who sought to have his name removed from the list of shareholders of a company, relied upon the statement of a witness who had published a pamphlet purporting to show that the company had been fraudulently floated, and that the business had been dishonestly conducted. The witness admitted that his information had been derived from the secretary of the company, whose acquaintance he had cultivated with the express design of eliciting from him something detrimental to his employers. After commenting on the conduct of the witness, the judge said:—"Out of this scurrilous libel, to which the writer of it referred with manifest satisfaction as 'my pamphlet,' the plaintiff has culled and got together a number of odds and ends of incoherent tales, a set of particles and patches and fragments and scraps and rags and shreds and sticks and straws, out of which he has constructed a kind of jackdaw's nest, not without mud enough to hold it together."

Among those who regret the retirement of Sir James Bacon, we should hardly be safe in numbering Mrs. Weldon. If we trust her own account as accurate, one source of material danger to her has been removed. For, according to an allegation made, when an enthusiastic crowd were elevating her to the position of a national heroine, her voice had never, up to that time, recovered from the strain which it had undergone in the attempt to reach the perception of the Vice-Chancellor, who was referred to, with a seemingly sad lack of respect for the judicial bench, as a "deaf old judge.' Possibly, however, Mrs. Weldon's *amour propre* suffered even more than her voice at the hands of the stalwart old lawyer.

Another litigant in person of the same sex as Mrs. Weldon met with less success in

her efforts before this judge. Having apparently failed to establish her *locus standi* in the court, she fell back upon that somewhat natural question: "What am I to do, my lord?" The laconic answer was perhaps not less natural, though expressive almost to a fault: "Go about your business, ma'am."

In the good old days, when the Vice-Chancellors held their courts in Lincoln's Inn—within the walls of the buildings, the principal difference of which from barns was perhaps in the character of their dirt—it is reported that a rotten egg was discharged with intent to bespatter the judicial countenance of the late Vice-Chancellor Malins. Happily, it missed aim, merely spreading its golden lustre upon the insensible wall. The offender was at once arrested, and ordered to appear for sentence on the following morning. The learned judge is said to have then delivered himself in words to the following effect:—"There has evidently been some mistake on your part. The missile could not have been intended for me. My brother Bacon is in the adjoining court, and it is sufficiently well known that, in the very nature of things, eggs and bacon always go together."—*The Jurist* (London).

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Jan. 15.

Judicial Abandonments.

Edward Carbray, Montreal, January 11.

Charles Denis Champoux (George Champoux & fils), Sherbrooke, Jan. 8.

L. J. Guillemette & Co., Montreal, Jan. 7.

Renaud & Desjardins, traders, Montreal, Jan. 7.

Edouard Senécal (E. Senécal & Co.), Montreal, Jan. 7.

Vaillancourt & Laberge, painters, Quebec, Jan. 12.

Curators appointed.

Re Arsene Bournival, St. Paulin.—Kent & Turcotte, Montreal, curator, Jan 10.

Re Louis Frechette, Ste. Madeleine.— M. E. Bernier, St. Hyacinthe, curator, Dec. 21.

Re Mark Kutner.— Kent & Turcotte, Montreal, curator, Jan. 13.

Re François Noel Marchand, St. Stanislas.—Kent & Turcotte, Montreal, curator, Jan. 10.

Re McGibbon, McCalman & Co. — John M. M. Duff, Montreal, curator, Jan. 11.

Re F. X. A. Montsion, Hull.—Kent & Turcotte, Montreal, curator, Jan. 18.

Re Joseph F. O'Gorman.—Robert Miller, Montreal, curator, Jan. 8.

Re Charles O'Reilly, Chambly.—Kent & Turcotte, Montreal, curator, Jan. 7.

Re J. B. L. Rolland.—Kent & Turcotte, Montreal, curator, Jan. 11.

Re Edouard Sénécal (E. Sénécal & Cie.)— Edwin Hanson, Montreal, curator, Jan. 7.

Dividends.

Re Roger Dandurand. — First and final dividend, payable Feb. 3. Euclide Mathieu, Montreal, curator.

Re Narcisse Grenier.—First and final dividend, payable Jan. 31. J. A. Poirier, St. Grégoire, curator.

Re Ludger Turcotte.—Second and final dividend, payable Jan. 31. J. A. Poirier, St. Grégoire, curator.

Quebec Official Gazette, Jan. 22.

Judicial Abandonments.

Angelique Normand and Maxime Lavigne (A. Normand & Cie.), grocers, Hull, Dec. 21.

D. & J. Maguire, Quebec, Jan. 19.

Narcisse Pilotte, district of St. Francis, Jan. 17.

Curators appointed.

Re Théophile Belanger, St. Jean Port Joli.—Kent & Turcotte, Montreal, curator, Jan. 14.

Re Robert G. Brown.—John McD. Hains, Montreal, curator, Jan. 14,

Re Edward Carbray.— C. Desmarteau, Montreal, curator, Jan. 18.

Re Mrs. J. E. Vaine, miiliner.—Seath & Daveluy, Montreal, curator, Dec. 18.

Re Louis Treffié Dorais, St. Grégoire.—P. E. Panneton, Three Rivers, curator, Jan. 17.

Re A. J. Fortier & Frère, Three Rivers.—Kent & Turcotte, Montreal, curator, Jan. 17.

Re P. T. Gibb, wire manufacturer. — Seath & Daveluy, Montreal, curator, Dec. 27.

Re Auguste Grundler.—Kent & Turcotte, Montreal, curator, Jan. 15.

Re L. J. Guilmette & Co.—John S. Brown, curator, Jan. 14.

Re Kerman Hirshfield, manufacturer. — Seath & Daveluy, Montreal, curator, Dec. 16.

Re Renaud & Desjardins.—C. Desmarteau, Montreal, curator, Jan. 14.

Re Rivet & Picotte, hatters and furriers.—Seath & Daveluy, Montreal, curator, Dec. 31.

Re Pierre Rodier and Flavie Lavigne. — F. X. Bilodeau, Montreal, curator, Jan. 18.

Re John N. Smith.— J. J. Griffith, Sherbrooke, curator, Jan. 17.

Re S. St. Denis, Lachine.—Kent & Turcotte, Montreal, curator, Jan. 15.

Dividends.

Re Elzéar Chouinard.—Dividend, payable Feb. 8, M. Joseph, Quebec, curator.

Re P. A. Labrie.—First and final dividend, S. C. Fatt, Montreal, curator.

Re Nathaniel Michaud, St. Eloi.—First and final dividend, payable Feb. 8. H. A. Bedard, Quebec, curator.

Re A. G. Morris, cigar dealer.—Dividend, Seath & Daveluy, Montreal, curator.

Re Charles Nelson, hardware merchant.—Dividend, Seath & Daveluy, Montreal, curator.

Re Cassils, Stimson & Co.—Second and final dividend, payable Feb. 1. Thos. Darling, Montreal, curator.

Separation as to property.

Malvina Beauchamp v. G. A. Lamontague, trader, Montreal, Jan. 19.