The Legal News.

Vol. XI. SEPTEMBER 29, 1888. No. 39.

The Jewish ritual is a subject with which the courts hitherto have had little to do. This week, however, a case arose in New York. The Board of Trustees of the Congregation Beth Israel Bikur Cholim resolved to depart from the orthodox rule of separating the sexes in the synagogue, and adopted the ritual of the Reformed Jewish Church, which permits male and female members to sit together during service. The bringing forward of the ladies from their gallery into the body of synagogue was an innovation which appeared so terrible to some members of the congregation that an injunction was applied for by Kalischer and others, to restrain the Trustees from making the change in the ritual, the petitioners setting forth that they are members in good standing, and have a right to attend divine service, but that they cannot do so if the change is made. The application was rejected by Judge Barrett, of the Supreme Court.

The statutes of Quebec, passed in the last session, have been issued, and comprise 132 acts. The vetoed bill respecting district magistrates appears as chap. 20. Several important Acts relating to procedure are contained in this volume.

The vacancy in the Queen's Bench, caused by the retirement of Mr. Justice Monk, has been filled by the appointment of Mr. Bossé, Q.C., of the Quebec bar. The new judge has enjoyed an excellent reputation as a very able lawyer, and the appointment gives satisfaction. It may be remarked, however, that this nomination disturbs the equality which existed in the Court as to French and English-speaking members, and as the larger part of the business, especially of the more important cases, has been English, that arrangement seemed to be the more reasonable one. Formerly, when the Court consisted of five judges, there were three English and two French members. Now, constituted of six judges, there are four French to two English members. However, capacity is more important than representation of nationality, and while it cannot be suggested that capacity could not be found among the English-speaking bar in Quebec, the appointment being unassailable in respect of fitness will be generally accepted with favour.

SUPERIOR COURT.

MONTREAL, September, 1888.

Before MATHIEU, J.

TOMBYLL v. O'NEILL.

Action in nullity of marriage—Provision for costs of wife.

HELD:—*That in an action by the husband in nullity of marriage, the wife's attorneys, upon proof of her poverty and of the husband's means, are entitled to receive from the husband a sufficient sum to provide for the wife's costs of action.*

Action in nullity of marriage by husband against wife. Motion that plaintiff be ordered to pay to defendant's attorneys $100 to provide for her costs, and failing to do so that all proceedings be stayed.

Affidavits were filed, establishing the wife's want of means and plaintiff's position. Counter affidavits were filed on behalf of plaintiff.

The plaintiff having left the Dominion, there was no application for alimentary allowance, as the same could not have been collected.

A. B. Major in support of motion cited:

Bioche, vo. "Séparation de corps," Nos. 45 et 54; *Dict. du Droit Civil*, vo. "*Aliments*," No. 138; *Duranton*, vol. 2, No. 263; *Laurent*, vol. 3, p. 300; *Pigeau*, 2.216.

J. A. St. Julien, contra.

MATHIEU, J. The right of the wife to a *provision de frais* in actions of this description is admitted by all the authors. It is in the nature of an alimentary allowance, and must be proportioned to the needs of the wife and the means of the husband. I am satisfied by the proof herein that the wife is poor and unable to provide for her own defence. As to the husband's resources the affidavits he produces are not of a satisfactory character, and I arrive at the conclusion that

he is able to pay the sum asked for, and that the case is a proper one for an allowance for costs. The motion is therefore granted.

J. A. St. Julien, attorney for plaintiff.

McGibbon, Major & Claxton, attorneys for defendant.

(A. B. M.)

PROHIBITION—LICENSED BREWERS —QUEBEC LICENSE ACT, 41 *VIC. CH.* 3 *—CONSTITUTIONALITY OF.*

MOLSON *et al.* & LAMBE *es qual.*

[Concluded from p. 304.]

GWYNNE, J. (*Continued*) :—

The learned Judge presiding in the Superior Court, referred these questions to the Police Magistrate, thereby submitting in effect to the Court of inferior jurisdiction the determination of the issues joined in a proceeding duly instituted in the Superior Court, intimating as a reason for so doing, that the petitioner Ryan, if condemned in the inferior Court,might then apply to the Superior Court, by writ of *certiorari*. But the writ of *certiorari* is a mode merely of informing the Court of the particulars of the question brought up by that writ for its decision, and it only issues after judgment, while, as we have already seen, it is the inalienable right of the superior courts of common law to entertain and decide all questions affecting the jurisdiction of the Courts of common law of inferior, and indeed of all Courts of special limited jurisdiction by proceedings in prohibition, at whatever stage the proceedings in the inferior Court may be, and when issue is joined in proceedings in prohibition, duly instituted as they have been here, the Court in which they have been so instituted becomes so seized of the issues, that it is the inalienable right of the litigants to have judgment upon those issues rendered by the Court, and in the proceeding in which the issues are joined. That the Superior Court, therefore, has erred in the judgment rendered by it, whatever may be the proper judgment to be rendered upon the questions raised, cannot, I think, admit of a doubt. Upon appeal to the Court of Queen's Bench at Montreal that Court dismissed the appeal, a majority of the learned Judges of that Court against two dissentients, holding that although the proceedings in prohibition were duly instituted, the judgment of the Superior Court which declined adjudicating upon the issues joined therein, is free from error. In support of this judgment, the case of *The Charkieh*, decided in the Court of Queen's Bench in England, L. Rep., 8 Q. B., 197, is relied upon, but a reference to that case will show that it is not at all analogous to the present case.

That was not a case presenting to the Court for its decision, certain issues joined in proceedings in prohibition duly instituted. It was not a case raising a question as to the proper construction of a Statute upon which depended the jurisdiction, if any, which an inferior Court had under the circumstances of the particular case, all the material facts of which appeared upon the record in the Superior Court, and upon admission of the parties. If, upon an application for a prohibition in England in a similar case to the present one, the applicant had been directed to declare in prohibition, and if he had done so, and if by the pleadings to that declaration, issues had been joined raising questions similar to those raised in the present case, such a case would have been analogous to the present; but in such case, there can be no doubt that the Court of Queen's Bench would have decided and finally determined all the issues, to raise which the applicant for the writ of prohibition had been directed to declare in prohibition. But the question was not at all as to the jurisdiction of a court of common law of inferior jurisdiction, which are questions peculiarly within the cognizance of a Superior Court of common law to decide, and the question which was raised, was disposed of on the rule *nisi* for a writ of prohibition as we have seen to be the practice in England, when the Court entertains no doubt as to the point raised, and for that reason does not require the party to declare in prohibition. The rule was to shew cause why a writ of prohibition should not issue to prohibit the High Court of Admiralty, itself a High Court of Record having jurisdiction in all matters relating to international and maritime law, and expressly by 24th & 25th Vict. ch. 10, "over any claim for damages done by any ship", from

further proceeding with a cause of damage instituted by or on behalf of the owners of the steamship *Batavier* against *The Charkieh* which was alleged on affidavit to be a steamship of the Egyptian Government, and the sole ground of the application was that she was the property of a Foreign Government. Blackburn, J., in giving judgment, says : "Taking every fact brought before us, on the "part of the persons applying for the prohi- "bition, to be true, the case would be this— "that the Khedive of Egypt is a Sovereign "Prince—as I assume for the present pur- "pose, although that may be disputed here- "after, and is owner of the vessel in question. "She was sent to this country for repairs— "a collision then takes place on the Thames. "At the time the vessel was his property "and his officers were on board and in pos- "session of her. Now the question arises "whether the Court of Admiralty havin g "jurisdiction to administer maritime law, "and international law against foreign ves- "sels, could proceed with the cause for dam- "age, because by international law such a "ship is privileged and cannot be proceeded "against in a foreign Court. There is "authority for saying that Courts of "justice cannot proceed against a Sover- "eign or a state, and I think there is "also authority for saying that they ought "not to proceed against ships of war or na- "tional vessels; and it is obviously desirable "that this rule should be established, other- "wise wars might be brought on between "two countries. But there is another ques- "tion. What is the liability of a vessel "which is the property of a foreign state "when she causes damage by a collision to "another vessel, she not being a ship of war, "but a ship which happens to be national "property and apparently employed on a "mercantile adventure?

"Does the circumstance of her being the "property of a foreign state oust the jurisdic- "tion of the Court of Admiralty? Now," he says, "we are asked to prohibit the "Court of Admiralty entertaining that which "Lord Stowell, perhaps the highest authori- "ty upon those matters, declared was a diffi- "cult question of international law. It "seems to me that this question can be bet- "ter decided by a Court *which has almost a* "*peculiar jurisdiction over matters relating to* "*international law.* It does seem to me that "the Court of Admiralty has jurisdiction to "determine the facts, and to decide whether "international and maritime law do allow the "circumstances stated to be a defence to a "claim against the Charkieh, and if that "Court be wrong in its judgment, the Privy "Council can set it right, and their decision "would be final. I do not see how it can be "said that the Court of Admiralty is ex- "ceeding its jurisdiction in entertaining the "suit as a question of international law, and "taking that view of it, I think the Court "ought not to be prohibited."

It thus appears that the Court refused to interfere by prohibition, because the sole question was one of international law, which the High Court of Admiralty and not the Court of Queen's Bench had peculiar jurisdiction to administer, subject only to an appeal to quite a different Court from the Court of Queen's Bench, the judgment of which Appeal Court was by law final and conclusive. The Court in fact *did* decide the only point presented to it, namely that the fact of the Charkieh being the property of a foreign Sovereign, did not oust the jurisdiction of the High Court of Admiralty as to the claim for damage to the Batavier. But in the present case, although it has always been the undoubted right of the Superior Courts of common law to enquire into and adjudicate upon all complaints against inferior temporal Courts, for acting without, or in excess of their jurisdiction, when duly brought before them by proceedings in prohibition, and although it is the undoubted duty of such Courts towards the litigants in such proceedings in prohibition, to decide all issues joined therein between the parties thereto, yet the Superior Court in which the proceedings in prohibition in the present case were pending, declined to exercise such right and to discharge such duty. It is obvious therefore that between the present case and that *in re the Charkieh*, there is no analogy whatever. The case must therefore now be dealt with upon its merits.

If the provisions of the Quebec License Act now under consideration are identical

with the provisions of the Ontario Act, 37th Vict. ch. 32, in respect of the point in question, we must be bound by the judgment of this Court in *Severn* v. *The Queen* which is no more at variance with the judgments rendered in *Russell* v. *The Queen, Hodge* v. *The Queen*, in the matter of the Acts of the Dominion Parliament, 46th Vict. ch. 30, & 47th Vict. ch. 32, and *Sulte* v. *The Corporation of Three Rivers*, than were those judgments at variance, as they were at one time erroneously supposed to be, with the judgment in the *City of Fredericton* v. *The Queen*. All of those judgments rest upon the foundation that laws which make or which empower municipal institutions to make regulations for granting licenses for the sale of intoxicating liquors in taverns, shops &c., and for the good government of the taverns and shops so licensed, and for the preservation of peace and public decency in the municipalities, and for the repression of drunkennesss and disorderly and riotous conduct, and imposing penalties for the infraction of such regulations, are laws which, as dealing with subjects of a purely local, municipal, private and domestic character, are *intra vires* of the Provincial Legislatures. But *Severn* v. *The Queen* proceeded wholly upon the construction of item 9 of sec. 92 of the British North America Act, and in that case the late learned chief justice of this Court, Sir William Buell Richards, held, and a majority of this Court concurred with him, that the obligation imposed by the Ontario Act, 37 Vict., ch. 32, upon brewers to take out a Provincial license to enable them to dispose of the beer manufactured by them, was, in effect, an obligation in restraint of the manufacturing by them of the article of their trade, which in virtue of a license from the Dominion Government, issued upon the authority of an Act of the Dominion Parliament, they were authorised to carry on, and that the item 9 of sec. 92 of the B. N. A. Act, did not authorise the Provincial Legislatures to impose any such obligation upon brewers. That the words "and other licenses" in that item in connection with the preceding words "Shop, Saloon, Tavern and Auctioneers," must be construed, having regard to the general scope of the scheme of confederation, as referring to licenses "*ejusdem generis*" with the preceding licenses spoken of in the item such as—Licenses on Billiard Tables, victualling licenses, houses where fruit, etc., etc., are sold, Hawkers, Pedlers, Livery Stables, Intelligence offices, and such like matters of purely municipal character, and that those words could not consistently with a due regard to the intent of the framers of the scheme of confederation as appearing in the B. N. A. Act, be construed as giving to the Provincial Legislatures power to put a restraint upon the manufacture of an article of a trade authorised to be carried on by an Act of the Dominion Parliament. So understanding the judgment in *Severn* v. *The Queen*, whether it be a point of law sound or otherwise, it may well stand consistently with, and is not shaken by *Russell* v. *The Queen*, or any other of the above cases, and it is still a judgment binding upon this Court and all courts in this Dominion. But the question still remains to be considered, namely whether the provisions of the Quebec License Act of 1878 are, upon the point under consideration, so identical with the provisions of the Ontario Act, as to make the judgment in *Severn* v. *The Queen* applicable in the determination of the present case. The two Acts when compared, appear to be very different, and so great is this difference as regards the point under consideration, as to convey to my mind the idea that the draftsman of the Quebec Act of 1878, framed it with the object of complying with the judgment in *Severn* v. *The Queen*, which had been rendered five or six weeks before the passing of the Act, and to avoid its being open to the objection of *ultra vires*, which that judgment had pronounced the Ontario Act to be open to. The Ontario Act while professing to have no intention to interfere with any brewer, distiller or other person duly licensed by the Government of Canada, for the manufacture of spirituous liquors, in the manufacturing such liquors, did, nevertheless, in effect do so, by enacting that to enable any such brewer, distiller, etc., to sell the liquor manufactured for consumption within the Province of Ontario, he should first obtain a license to sell by wholesale under section 4 of the Act. The "license by

wholesale," and which brewers were thus required to take out, was a license to sell in quantities not less than five gallons in each cask or vessel at any one time, or in not less than one dozen bottles of at least three half-pints each, or two dozen bottles of at least three-fourths of one pint each, at any one time, *in any place other than* in ale or beer houses, or other places of public entertainment, and the Act imposed a penalty upon brewers and distillers, in case they should sell the liquor manufactured by them respectively without taking out such wholesale license. Now the Quebec Act of 1878 and its amendments contain no provision of such or the like nature as that in the Ontario Act upon which the judgment in *Severn* v. *The Queen* proceeded, and when we refer to the Act in virtue of which license fees or duties had been collected from brewers in the province of Quebec before the judgment in *Severn* v. *The Queen*, which license fees, as appears in the pleadings and admissions in the case now before us, were refunded by the Provincial Government, in consequence of and in submission to that judgment, we find that the only authority under which such license fees so refunded had been collected, was contained in sections 12, 13 and 14 of 36th Vict., ch. 3, as amended by 37th Vict., ch. 3, and that there is no similar enactment or provision contained in the Act of 1878 or in its amendments, while that Act repeals all the previous Acts: a fact which seems to confirm the view I have taken that it was the intention of the Provincial Legislature, in passing the License Act of 1878, to comply with the judgment of this Court in *Severn* v. *The Queen*.

There is no such license as the "wholesale license" of 36 Vic., ch. 3, required to be taken out by the Act of 1878 or its amendments. All the licenses (as regards the sale of intoxicating liquors) which the License Act of 1878 as amended requires to be taken out, are—Licenses:—

1st. To keep an Inn, and for the sale of intoxicating liquors therein. The word "Inn" being defined to be a house of entertainment wherein intoxicating liquors are sold.

2nd. For the sale of intoxicating liquors in a Club.

3rd. For the sale of intoxicating liquors in a Restaurant or Railway Buffet.

4th. For a Steamboat bar, for the sale therein of intoxicating liquors.

5th. For the sale of intoxicating liquors at the mines, or in any mining District or Division.

6th. A retail liquor shop license.

7th. A wholesale liquor shop license.

8th. A license to sell for medicinal purposes, or for use in Divine Worship in Municipalities in which a Prohibitory By-law is in force.

Now, by the 43 and 44 Vic., ch. 11, a wholesale liquor shop, is *that wherein is sold* at one time intoxicating liquors in quantities not less than two gallons imperial, or one dozen bottles of not less than one pint imperial measure each.

And a retail liquor shop is defined to be *that wherein are sold* at any one time, intoxicating liquors in quantities not less than one pint imperial measure. Now, those licenses are required to be taken out for the sole purpose of enabling the Provincial Government to raise a revenue for the purposes of the Province. That this must be held to be the sole object of the Quebec License Act of 1878, and its amendments, appears not only from item 9 of sec. 92 of the B. N. A. Act, but from an Act of the Provincial Legislature 46 Vic. ch. 5, passed for the express purpose of remedying what the Legislature conceived to be a defect by reason of its not being so stated in the Acts of 1878 and 1880. By this Act, 46 Vict., "it is declared, that the duties payable "for licenses imposed by section 63 of the "Quebec License law of 1878, as replaced by "section 17 of the Act 43 and 44 Vic., ch. 11, "were so imposed in order to the raising of "a revenue for the purposes of this Province, "under the power conferred upon the Legis-"lature of this Province by the 9th paragraph "of section 92 of the British North America "Act, 1867."

Now, the Provincial Government cannot, under the Acts in question, raise any revenue by the issue of any license other than those expressly named in the Acts as subjected to duty. And a person not engaged in a business, which, by the Acts or one of them, is subjected to a license tax, cannot be com-

pelled to take out, and consequently cannot be punished for not taking out one of the licenses upon which a duty or tax is imposed by the Acts. In order to raise a revenue by taxation of any kind, the thing to be taxed must be expressly stated in the Act imposing the tax. But none of the licenses named in the Acts relate to the business of a brewer. His business is to manufacture beer and to sell the beer manufactured by him; the Acts impose no tax upon his business. He cannot, therefore, be compelled to contribute to the Provincial revenue by taking out, nor can he be punished for not taking out a license authorising him to keep an inn, a restaurant or railway buffet—a steamboat bar or a retail or wholesale liquor shop, none of which, nor all of them together, if taken out, would enable him to carry on the business of a brewer, or authorise him to dispose of the article manufactured by him. The Messrs. Molson & Brothers, although they should be possessed of every one of the above named licenses, would be as liable for the act which is the subject of prosecution in the Inferior Court, now under consideration, as they are now, not having any of such licenses. Brewers, therefore, are not required, by the Acts in question, in order to carry on their business, to take out any of the licenses which, for the purpose of raising a revenue, are subjected to a fee or tax. The Intervenant, in his pleading in intervention, contends that, admitting that the said Molson Brothers are entitled, in virtue of the license from the Dominion Government, to sell the beer of their manufacture without any other license, still Andrew Ryan had no right to hawk or peddle the beer through the City of Montreal, and to sell it outside of the premises of the said brewers, without being supplied with the license required by the Quebec License Act. And that, moreover, the Messrs. Molson & Brothers themselves, had no right to sell their beer outside of their premises without a license of the Province of Quebec; but as brewers are not, nor is their business, taxed by the Act in question, and they are not required by any of the Acts to take out a license from the Provincial Government to enable them to carry on their trade, and as none of the licenses which are by the Acts subjected to a tax or duty, would give them any greater authority to sell their beer on the premises where it is manufactured, any more than elsewhere, they must have the same right to sell and deliver the beer manufactured by them at the residences or places of business of their customers, whether they be licensed inn or restaurant, or steamboat bar-keepers, or others, equally as at the premises where the beer is manufactured, unless the provision in the Acts as to pedlers' license applies, which is the only license which can be referred to in the pleading in intervention; but apart from the absurdity of brewers, by delivering their beer to customers at their residences or places of business, being deemed to be pedlers, the Act expressly provides that no person is obliged to take out a license to peddle and sell goods, wares, &c., of their own manufacture, excepting drugs and medicines and patent remedies, whether peddled and sold by himself or his agents or servants.

Mr. Geoffrion, however, contended that although none of the licenses named in the Act authorised to be done the act which is the subject of the prosecution instituted against Ryan, nevertheless the penalty sought to be recovered is exigible: but the object of imposing a penalty is to prevent the revenue being defrauded by a party doing without a license that for doing which the Act has required a license to be taken out, upon which for the purposes of revenue, a tax is imposed. Accordingly the Provincial Statute 46th Vic. ch. 5, already referred to, and which was passed, as stated in the preamble, because doubts had arisen as to the constitutionality of certain provisions contained in the Quebec License Act of 1878, and the amendments thereto, and that it was expedient to make such provision as would ensure the collection of the revenue derivable from the duties imposed and payable for the different licenses specified in the above mentioned Act as amended; and which, to remove the above doubts, declared that the duties payable for licenses imposed by the Quebec License Act of 1878, as amended by the Act of 1880, were imposed in order to the raising of a revenue for the purposes of the Province, enacted that: "Any person neglecting or refusing to pay the license

"duty, payable by him, shall be liable for "such neglect or refusal, to a fine equal to "the amount of such duty and one half of "such amount added thereto." Now this provision, although in a statute passed since the prosecution in the present case was instituted, still, as the statute was passed for the purpose of declaring the intent of the Act of 1878, and its amendments, throws much light, if such were necessary, upon the construction to be put upon the 71st clause of the Act of 1878 under which the prosecution in the present case was instituted, for the persons who are subjected to penalties for infringing an Act passed for the purpose of raising a revenue for the use of the Province, by the imposition of a tax upon certain licenses, are by legislative declaration, shewn to be those only who neglect or refuse to pay the license duty, payable by them respectively. Now these must be persons who assume to do some or one of the acts for the doing of which the Statute has required a license to be taken out upon which a specific duty has been imposed. The doing anything for the doing of which there is no license specified in the Act, nor any duty imposed, can never be held to be an infringement of the Act.

The 71st section of the Act of 1878, as amended by the Act of 1880 enacts that :—

"Any one who keeps, *without a license to* "*that effect* still in force as *hereinafter prescrib-* "*ed*, an inn, restaurant, steamboat bar, rail- "way buffet, or liquor shop, for the sale by "wholesale or retail of intoxicating liquors, "or sells in any quantity whatsoever intoxi- "cating liquors, in any part whatsoever of "this province municipally organised, is "liable for each contravention, to a fine of "ninety-five dollars, if such contravention "takes place in the City of Montreal, and "seventy-five dollars if it has been commit- "ted in any other part of the organized ter- "ritory ; and if the contravention takes "place in the non-organized territory, the "penalty is thirty-five dollars. Any one who "keeps, without a license to that effect still "in force as by law prescribed, a temperance "hotel, is liable for each contravention to a "fine of twenty dollars."

Now in view of the object of the Act being to raise a revenue for the purposes of the Province, by a tax upon certain licenses, particularly specified in the Act, required to be taken out for the doing certain things mentioned in such licenses respectively, the plain construction of the above section is, that any person who, in any part of the Province of Quebec, which is municipally organized, shall, in contravention of the Act, do any of those things enumerated in the section as only authorized to be done under a license as in the Act prescribed, without the license as prescribed by the Act, appropriate to the thing done, shall be liable &c., &c. And if the contravention takes place in non-organised territory the penalty is.....

There can be no contravention of the Act unless the thing done is a thing for the doing which one of the licenses particularly specified in the Act upon which a duty is imposed, is required to be taken out. If there be no license specified in the Act for authorising to be done the thing complained of, the doing such thing is no contravention of the Act, and there being no license specified in the Act, for the doing what Ryan has been prosecuted for doing, neither he nor the Messrs. Molson & Brothers, whose servant only Ryan was, and in doing what is complained of, is, or are liable to any prosecution as for an infringement of the Act. The Act, in fact, imposes no obligation upon brewers to take out any license to enable them to dispose of the beer manufactured by them, which is the simple character of the act complained of; in this respect it differs in its frame and as it appears to me, designedly, from the Ontario Act, which was under consideration in *Severn* v. *The Queen* ; but as it imposes no tax upon brewers disposing of the beer manufactured in the manner complained of, the inferior Court had no jurisdiction in the matter of the prosecution instituted against the Messrs. Molson & Brothers' drayman. The prohibition should be ordered to be issued from the Superior Court absolutely as prayed for, with costs to the petitioners in all the courts.

TASCHEREAU, J. :—

Upon the question of prohibition I dissent from the majority of the Court, and I think with the Court below that the writ of prohibition lies in such a case as the present. It

will be remarked that, although the judgment of the Court of Queen's Bench is reversed on the question of prohibition, yet the appellant fails on his appeal.

On the merits of the case it is useless, and I may add it would be wrong for me, to express an opinion, as what I would say would be mere *obiter dictum*.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Sept. 1.

Judicial Abandonments.

Philomène Kéroack, shoemaker, doing business under the name of "Victor Côté & Co.," St. Hyacinthe, Aug. 25.

Hugh O'Hara, Chambly Canton, Aug. 21.

Curators appointed.

Re Henri Frenette & Frère, traders, Rivière du Loup.—H. A. Bedard, Quebec, curator, Aug. 21.

Re J. E. Godin, shoemaker,—F. Valentine, Three Rivers, curator, Aug. 22.

Re Marcotte, Perrault & Co., Montreal.—J. McD. Hains, Montreal, curator, Aug. 28.

Re Picard & Pineau, traders, Fraserville.—H. A. Bedard, Quebec, curator, Aug. 28.

Re Honoré Thibodeau, Victoriaville.—Kent & Turcotte, Montreal, joint-curator, Aug. 25.

Dividends.

Re Dame F. de Grandpré (L. A. Aubin), St. Barthélemi.—First and final dividend, payable Sept. 19, Kent & Turcotte, Montreal, joint curator.

Re Hawley, Titus & Co., district of Bedford.—Dividend, W. A. Caldwell, Montreal, curator.

Re M. T. Sarault.—First and final dividend, payable Sept. 19, Kent & Turcotte, Montreal, joint curator.

Separation as to property.

Euphemie Barré vs. Jean-Bte. Poirier, farmer, parish of St. Michel de Rougemont, April 10.

Flora Louisa Rogers vs. Octave Antoine Duchesne, inn-keeper, parish of St. Jovite, Aug. 17.

Appointments.

Charles L. Champagne, Q. C., and Denis Barry, advocates, to be district magistrates of Montreal, under 51-52 Vict. c. 20.

Proclamation.

Circuit Court sitting in the district of Montreal, abolished under 51 52 Vict. c. 20, and "District Magistrate's Court of Montreal" established.

Quebec Official Gazette, Sept. 8.

Judicial Abandonments.

Bergeron & Frère, St. Hyacinthe, Sept. 4.

Felix McKercher, master carter, St. Henry, Sept. 2.

Curators appointed.

Re Dragon & Frère.—Bilodeau & Renaud, Montreal, joint curator, Aug. 31.

Re Thomas W. Goodwin, St. Polycarpe.—A. W. Stevenson, Montreal, curator, Sept. 4.

Re Pierre Picard.—C. Desmarteau, Montreal, curator, Sept. 3.

Re L. G. Villeneuve, St. Faustin.—J. M. Malherbe, Montreal, curator, Aug. 16.

Separation as to property.

Mary Jane McClary vs. John M. Joslin, carter, Ste. Cunégonde, Aug. 23.

Proclamations.

Civil Courts of district of Quebec, given concurrent jurisdiction over the county of Bellechasse, under 51-52 Vic. ch. 19.

Court of Queen's Bench, district of Three Rivers, to commence on 4th June and 4th December, and Circuit Court, county of Maskinonge, to be held on 1st and 2nd February, June and October.

Quebec Official Gazette, Sept. 15.

Judicial Abandonments.

Ferdinand Bégin, butcher, Lévis, Sept. 10.

Curators appointed.

Re Philomène Kéroack (V. Côté & Co.).—J. O. Dion, St. Hyacinthe, curator, Sept. 7.

Re F. McKercher.—C. Desmarteau, Montreal, curator, Sept. 10.

Re Andrew Mullholland, plumber.—H. A. Bedard, Quebec, curator, Sept. 10.

Re Hugh O'Hara.—C. Desmarteau, Montreal, curator; Sept. 7.

Re Avila Perreault.—C. Desmarteau, Montreal, curator, Sept. 12.

Dividends.

Re J. B. Couture.—First and final dividend, payable Sept. 29, C. Desmarteau, Montreal, curator.

Re Thomas McCord.—First dividend, payable Oct. 1, H. A. Bedard, Quebec, curator.

Separation as to property.

Joséphine Thibaudeau vs. Alphonse Cérat, carter, Montreal, Sept. 7.

Cadastre deposited.

Plans of sub-divisions, Nos. 93-1, 93-2 West Ward, 1161-1, 1161-2, 1161-3, and 1161-4, St. Antoine Ward. Also of No. 115 East Ward.

GENERAL NOTES.

CONTINGENT FEES.—The *American Law Review* has an article on "Contingent and Exorbitant Fees," by Prof. P. Bliss, an experienced lawyer and a well-known and esteemed teacher and writer on law. Mr. Evarts, it is said, being asked what a contingent fee is, replied: "If I don't win your suit I don't get anything; if I do, you don't." Mr. Bliss devotes twelve pages to a temperate and disinterested consideration of this topic, arriving at the conclusion that while there may be, under our laws, some excuse for a deviation in an occasional and exceptional case, the practice and habit of advocating causes on shares is unjust and deleterious. He states and enlarges on the following reasons: First, it encourages litigation. Second, it changes the relation of counsel to the cause. Third, it degrades the profession. Fourth, it gives undue prominence to the idea of money-making, and diverts attention from professional learning. Fifth, it is inconsistent with the fiduciary relation of attorney and client. Sixth, it results in exorbitant and inequitable charges. One paragraph of Mr. Bliss's paper we especially commend: "But after all, what if we always remain poor? It may be an evil, but it is far from being the greatest one. It may be, it often is, a blessing." It is a noteworthy fact that the greatest lawyers in the history of our country, as well as the most useful and purest men in all history, have died poor. "The love of money is the root of all evil," and yet our professional brethren persist in digging hard for that root.—*Albany Law Journal.*