The Legal News.

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The gift of $150,000, by Mr. W. C. McDonald, to the Law Faculty of McGill University, is one of the most generous contributions to legal education on record, and coming from a layman—a manufacturer and merchant—should be doubly appreciated. Wisely used, it must, in the course of the next generation, have a very appreciable influence upon the position and standing both of the bench and of the bar. In estimating the amount of the benefaction it must be borne in mind that the law faculty, differing in this respect from the other faculties, is almost exclusively for the benefit of students from the province of Quebec. The income of the gift in the next thirty years will be equal to a quarter of a million dollars, and if five hundred graduates during that time should go forth from the faculty, they would have received aid in their legal education from the endowment to the extent of five hundred dollars each. The result should be a better trained bar and a more learned bench.

The March term of the Court of Appeal at Montreal did not do much to break down the list. By a misunderstanding, the first day was wholly lost, and another term day was a holiday, so that the Court sat on nine days only. Then there were two reserved cases, and two applications for *habeas corpus*, with the usual number of applications for leave to appeal, all of which consumed much time. Three privileged cases further interfered with the progress of the list, and the country cases got two days to which, as it turned out, they were not entitled, as No. 11 was the last case reached on the regular list, while the first country case was No. 17. Of course, in allotting special days to country cases it was not intended to give them precedence, by a whole term, over city cases previously inscribed. The result of the chapter of misadventures was a curious one. A case which had come in sight during the January term so as to be put on the list for the day, was not reached or called during the whole of the March term, though always on the list for the day! The total number of appeals heard during the term was sixteen.

The districts of Montreal and Quebec, by a singular coincidence, lost their sheriffs on the same day (April 4), a deputy sheriff of Montreal (Mr. Vilbon) having also died a few days before his chief. The sheriffs both entered public life at an early age. Mr. Chauveau, the sheriff of Montreal, was called to the bar in 1841, and in 1844, at the age of 24, was elected to Parliament for the county of Quebec. If not brilliant in any special vocation, he evinced considerable versatility, and a faculty for adapting himself to whatever office was open to him. As Superintendent of Education, as Premier of Quebec, as Speaker of the Senate, and finally as Sheriff of Montreal, most of his days were passed in harness. These official occupations, however, did not prevent him from devoting considerable time to literature, in which line he achieved some distinction. Mr. Alleyn, the Sheriff of Quebec, who had nearly completed his 73rd year, was born in Cork, Ireland. He came to Canada while still very young. In 1854 he became Mayor of Quebec, and entered Parliament the same year. In 1866 he was appointed Sheriff of Quebec.

The retirement of Mr. Justice Field, which took place recently in the presence of all the judges of England (except two absent from illness and several on circuit), is only the eighth instance during the last half century of a common law judge retiring while the Courts were sitting, and receiving a valedictory address. Mr. Justice Field, like Mr. Justice Manisty, began in the other branch of the profession, but after three years' experience as a solicitor he made a "jettison" of everything for the bar. "When I accepted that sacred trust of the office of a judge," he went on to say, "I formed to myself my ideas of what I would do to try to deserve it; that I would administer what was right and in accordance with the truth, and would spare no labour, no pains, no time, to understand what the rights and wrongs

of the litigants were, and would never swerve from the path to the right or the left in deciding what, to my mind, was the real result. And that I have done, and I do claim at the end of my time that there is no one who can accuse me—and, what is more important, I cannot accuse myself—of any delinquency in that respect. Whatever God had been pleased to give me, the best I had I have given to the discharge of my duties." The learned judge further alluded to a delicate subject—his deafness—as to which judges usually are apt to be sceptical. "Of late years, indeed, I have been conscious of a growing infirmity, but I declare most solemnly that it has never interfered with the discharge of my duties, though it may have been a cause of inconvenience to those who have addressed me or to witnesses who had to give their evidence before me. That inconvenience has been very much aggravated by my determination never to pass over a fact in the case without really understanding it; and I do not believe that a word of evidence has ever been given which would not be found on my notes, and I am sure that no argument addressed to me has failed to receive the fullest consideration. At the same time I am sensible that those who come to the Courts for justice and those who represent them have not only a right to have justice administered to them with care and patience, but also with the assurance that their cases are heard as well as determined and I cannot blame anybody who may have fancied that a difficulty resulted from my infirmity, though I am sure that my infirmity never caused any injustice to a suitor." As the learned judge rose to depart, the report states that the bar, and the audience generally, "broke into a burst of cheers as warm as ever was heard."

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*SUPERIOR COURT—MONTREAL.**

Costs — Commission rogatoire — Fees of Commissioner.

Held:—That where a *commission rogatoire* issues to a foreign country, a reasonable fee to the Commissioner appointed to execute the commission will be taxed as costs in the cause.—*Blandy et al.* v. *Parker*, Pagnuelo, J., Oct. 30, 1889.

* To appear in Montreal Law Reports, 6 S.C.

Accident Insurance—External injuries producing erysipelas—Proximate or sole cause of death—Immediate notice of death—Waiver.

An accident policy issued by the defendants was payable "within thirty days after "sufficient proof that the insured, at any time "during the continuance of this policy, shall "have sustained bodily injuries effected "through *external, accidental and violent means*, "within the intent and meaning of this con- "tract and the conditions hereunto annexed, "*and such injuries alone shall have occasioned* "*death* within ninety days from the happen- "ing thereof. . . . . "Provided always that this insurance shall "not extend to hernia, nor to any bodily "injury of which there shall be no external "and visible sign, *nor to any bodily injury* "*happening directly or indirectly in consequence* "*of disease, nor to any death or disability which* "*may have been caused wholly or in part by* "*bodily infirmities or disease*, existing prior "or subsequent to the date of this contract, "or by the taking of poison, or by any sur- "gical operation or medical or mechanical "treatment, *nor to any case except where the* "*injury aforesaid is the proximate or sole cause* "*of the disability or death.*"

The insured was accidentally wounded in the leg by falling from a verandah, and within four or five days, the wound, which appeared at first to be a slight one, was complicated by erysipelas, from which death ensued twenty-three days after the accident. There was some conflict in the evidence as to whether the erysipelas resulted solely from the wound, but the Court found, on the facts, that the erysipelas followed as a direct result from the external injury;

Held:—1. That the external injury was the proximate or sole cause of death within the meaning of the policy, and that the plaintiff was entitled to recover.

The policy also provided that "in the "event of any accident or injury for which "claim may be made under this policy, im- "mediate notice must be given in writing, "addressed to the manager of this company,

" at Montreal, stating full name, occupation " and address of the insured, with full par- " ticulars of the accident and injury ; and " failure to give such immediate written " notice shall invalidate all claims under " this policy."

The local agent of the company at Simcoe, Ont., after receiving written notice of the accident before death, was verbally informed of the death four days after it took place, and thereupon stated that he would require no further notice and that he had advised the company. Further interviews and correspondence took place during the following days between the local agent and the claimants with respect to the papers required, but formal notice was not sent to the head office until sixteen days after death. The manager of the company acknowledged receipt of proofs of death, without complaining of want of notice, and ultimately declined to pay the claim on the ground that the death was caused by disease, and that therefore the company could not recognize their liability.

Held :—2. That the company had received sufficient notice of death to satisfy the requirements of the policy, and that, in any event, they had expressly waived any objections which they might have urged in this regard, by declining to pay the claim on other grounds.—*Young* v. *Accident Insurance Co. of N.A.*, Tellier, J., Sept. 13, 1889.

Cheque payable to bearer—Endorsement "for deposit"—Negociability—Payment by one bank of cheque drawn on another bank—Good faith.

The liquidators of the Exchange Bank handed to *V.*, their accountant and confidential clerk, a cheque drawn by one of their debtors on The People's Bank payable to "Archibald Campbell, Frederick B. Matthews and Isaac H. Stearns, liquidators, or bearer," and endorsed by the three liquidators "For deposit to credit of the liquidators Exchange Bank of Canada." The Quebec Bank at that time received deposits from the liquidators in a regular deposit account, and also assisted them in the redemption of the circulation of the insolvent bank by purchasing the bills of the latter, which were afterwards redeemed by the liquidators.

V., instead of making the deposit as instructed, presented the cheque to the paying teller of the Quebec Bank, who had shortly before requested *V.* to redeem some of their circulation, and received the amount in Exchange Bank bills, which he appropriated to his own use. The teller of the Quebec Bank did not notice the restrictive endorsement and paid the cheque in good faith to *V.*

Held:—1. That a cheque payable to a certain person or bearer is equivalent to a cheque payable simply to bearer.

2. That the negociability of such a cheque cannot be restricted by endorsement, and the bearer thereof has a sufficient title to demand and receive payment thereof.

3. That even if the payment by one bank of a cheque drawn on another bank may at first sight seem irregular, still, under the circumstances of this case, as the cheque had been paid in good faith, in ignorance of the endorsement, to the trusted employee of the liquidators of the plaintiff bank, and for the purpose of redeeming its circulation, the payment made to *V.* discharged the defendant bank.—*Exchange Bank* v. *Quebec Bank*, Jetté, J., Feb. 12, 1890.

COUR DE MAGISTRAT.

MONTRÉAL, 21 juin 1889.

Coram CHAMPAGNE, J. C. M.

VOGEL v. PELLETIER.

Bail—Minorité—Résiliation—Loyers non échus.

JUGÉ :—1o. *Qu'un mineur qui loue une boutique pour y pratiquer son métier de barbier, est réputé majeur, et peut être poursuivi en recouvrement du loyer en vertu de ce bail.*

2. *Qu'un locateur ne peut demander en même temps la résiliation du bail et les loyers à venir.* (1)

PER CURIAM :—Le demandeur a loué au défendeur une boutique de barbier au prix

(1) La jurisprudence sous l'article du Code Civil accorde les loyers à venir, même en cas de résiliation de bail, mais sous forme de dommages dont il faut faire la preuve. La mesure des dommages, dans ce cas, est le montant du loyer stipulé au bail résilié. Dans l'espèce, l'on demandait, non des dommages prouvés, mais du loyer sans autre preuve que le bail.

de $8.50 par mois, et après l'avoir occupée pendant quelques jours, le défendeur l'a quittée sans la permission du demandeur.

Le demandeur poursuit pour le montant du loyer pour toute la durée du bail, 6 mois, et demande en outre, la résiliation du bail.

Le défendeur plaide qu'il est mineur, qu'il n'avait pas le droit de louer et qu'il ne peut pas être poursuivi, et qu'il a été lésé par le demandeur.

La preuve établit que le défendeur est âgé de 18 ans, qu'il est barbier, et qu'il tient une boutique à son compte, ayant plusieurs hommes à son service.

Le défendeur est réputé majeur pour les fins de l'exercice de son métier, et comme tel, il avait le droit de louer le logement en question. Mais, le demandeur ne peut en même temps demander jugement pour les trois mois de loyer à venir et demander, en outre, que le bail soit cassé de suite.

Jugement résiliant le bail et accordant deux mois de loyer dûs.

Autorités: C. C. 319, 1005; *de Lorimier*, vol. 7, art. 1005; *Demolombe*, vol. 29, art. 1308, C. N. p. 97.

Papineau & Gratton, avocats du demandeur.
Ls. Allard, avocat du défendeur.
(J. J. B.)

COUR DE MAGISTRAT.

MONTRÉAL, 5 juin 1889.

Coram CHAMPAGNE, J. C. M.

THÉORET v. SENÉCAL.

Exception à la forme—Amendement.

JUGÉ:—*Que celui qui se plaint de la forme chez son adversaire doit être sans faute sous ce rapport, et qu'un amendement à une exception à la forme nulle au moment de sa production ne peut être accordé.*

PER CURIAM:—Dans cette cause, le défendeur a plaidé par une exception à la forme, se plaignant que le demandeur ait pris cette action, qui est une action pénale sous le Code Municipal, sans mettre en cause la Corporation à qui doit appartenir la moitié de l'amende, mais dans son exception à la forme, le défendeur a omis de prendre des conclusions. Il demande maintenant d'y ajouter pour conclusions: "que l'action du demandeur soit déboutée avec dépens distraits...."

L'exception à la forme doit être produite dans ces causes dans les deux jours de la comparution, et elle doit être complète et à l'abri d'un défaut de forme; permettre un amendement ce serait violer cet article.

Amendement refusé.

Autorités: 10 R. L. 678; *Rev. de Législation*, 3 vol. 40; 15 L. C. J. 246.

Prévost & Bastien, avocats du demandeur.
Lacoste et Cie., avocats du défendeur.
(J. J. B.)

APPOINTMENT OF QUEEN'S COUNSEL.

[Continued from page 104.]

There remain the questions of convenience or expediency and of sanction by enforcement of the appointments. It will be clear in the eyes of every one that the local powers are in a better position than the central power to judge the requirements of the Province, the qualifications of the lawyers. It would not be fair that the majority of the vast Dominion should oppose its will, in that respect, to the majority of a Province. As to the sanction of the appointment, if there was a conflict between the Federal and Local Governments, how could the federal authority have its appointments recognised? Suppose the judge appointed by Ottawa should desire to recognise and enforce them in spite of the local authority, he would be surrounded by sheriffs, prothonotaries, clerks, bailiffs, gaolers, all appointed by the Province, receiving instructions from the same, being paid by the same. He might have to leave the bench, act as sheriff, take a man by the throat, conduct him to gaol where the gaoler would tell him: "I have instructions not to receive that prisoner!" He might have to sign and execute himself, his own warrant of distress. That suffices to exemplify the impossibility of this Government having any such appointment by them recognised and sanctioned by due execution. Though the possibility of execution has always been looked upon as a criterion of jurisdiction. In the case of Lenoir *vs.* Ritchie, Hon. Judge Fournier said:

"It is a general principle that a court has no jurisdiction in cases wherein the judgment it would give would not be susceptible of execution."

Broom: "Commentaries on the Common Law," page 54: "The word 'law,' indeed, *ex re termini*, implies a sanction." I think I have demonstrated:—1st. That the Queen forms part of the Local Governments, as well as of the Federal Government. 2nd. That every one of them are supreme within the limits of their attributions, deriving their authority directly from the Queen. 3rd. That the administration of justice entrusted to the Local Governments carries with it all the prerogatives of the Queen, necessary to the good working and management of the courts, and that the appointment of Queen's Counsel forms an ingredient and inseparable part of the same. 4th. That the decision to the contrary by the Supreme Court of Canada, in the case of Lenoir *vs.* Ritchie, is an isolated one, rendered on a point not in issue nor argued contradictorily, without the interested parties being called to answer, by a divided and incomplete bench, is contradictory to all precedents as well to the precise terms and true interest and meaning of all the laws in force; that the principles upon which it rests have frequently since been denied and reversed by the highest tribunals of the Empire, and that the adoption of those principles would render impossible the working of the Confederation as well as the administration of justice. Since these notes have been prepared, I, fortunately, have procured a copy of a most able memorandum sent to this Government by the Ontario Government. As we have the assurance that it will be laid officially before the House, that will meet the object I have in view. By an official letter, dated 27th September, 1886, the Government have refused to comply with the desire expressed by the Ontario Government of having the question of Queen's Counsel and the jurisdiction as to their appointment submitted to the Privy Council upon a joint case. And they say:

"His Excellency is advised that so long as the judgment in Lenoir *vs.* Ritchie is not revised, it is the duty of Governments and individuals in Canada to respect and conform to that judgment."

Such is the policy adopted by the Government on that question. They take advantage of an *ex parte* judgment denying the Provinces an important right, namely, the right of using the great seal in the name of the Queen, and refuse the Provinces the opportunity of being heard before the competent tribunals. In spite of that, the commissions of Queen's Counsel, issued by this Government, prove that some doubts still exist in the mind of the hon. Minister of Justice. After having stated after whom the new Queen's Counsel will rank, to wit, after Queen's Counsel created by the Provinces before Confederation, and after Queen's Counsel created by Ottawa since the Confederation, these commissions add: After "those members of such bar (if any) who may lawfully be entitled to rank and precedence over you the said * * *." Who are those? The document professes not to know it! Let the title bearer find it out for himself! The Department is impotent in that regard. I am surprised that a Government allows such ludicrous documents to officially issue from the Department of Justice, by the head of whom the laws are presumed to be entirely known, understood, and put into practice. The same letter affirms that no inconvenience has been occasioned by the judgment. I think I have proved that the very reverse of that pretention is actually the case. It is greatly time that this question be finally and clearly settled. Therefore, I beg to submit the following proposition to this honorable House, without making of the same a question of non-confidence:

"That, in the opinion of this House, it is the exclusive right of the Local Legislature and the Executive of each Province to appoint Queen's Counsel for all courts established, maintained and managed by such Province, and to settle the rules and rights of precedence or pre-audience of the bar in proceedings in such courts."

Sir JOHN THOMPSON.—The subject which the hon. member for Bellechasse (Mr. Amyot) has brought to the notice of the House this afternoon, of course the House will regard as one of very great importance, not only for the rights which are immediately bound up in connection with the appointment of Queen's Counsel for the various Courts in this country, but because, as he has indicated very clearly, the subject branches out

into constitutional questions lying at the basis of much larger rights than those of Her Majesty's Queen's Counsel in the courts. I cannot too strongly express my appreciation of one observation which the hon. gentleman made towards the close of his address, when it was suggested that he should proceed with the reading of a document which came to this Government from the Government of Ontario. The hon. gentleman hesitated to do so, on the ground that the reading of documents of that character, touching upon legal and constitutional questions, gave the House very little information and instruction, and required, in order to be appreciated, to be more carefully read than can be done in the progress of the debate. I feel I must, with great respect to the hon. gentleman, apply that observation to the whole of the argument on this question he has submitted. I feel somewhat at a disadvantage in coming to the discussion of an abstruse constitutional question, involving questions of great importance, without the slightest notice whatever, considering it touches a subject not only of constitutional importance, but also involving legal technicalities which I have not looked at for a good many months, and therefore, the hon. gentleman will not consider me, I am sure, wanting in courtesy to him, if I find myself, this afternoon, unable to contribute anything to the discussion of this question which will very much interest the House or throw very great additional light on the subject. I, however, have had some acquaintance with it. I am in a position to assure the hon. gentleman that one of the propositions which he states at the conclusion of his paper, as having been completely established, namely, that the decision in the case of Lenoir *v.* Ritchie was upon a point not before the Court, not raised on the appeal, not considered in the judgment below, that point, so far from being established, would not be considered well founded by anyone who was acquainted, as I have had to be, with the case of Lenoir *v.* Ritchie from its inception to its close. So far from it being correct, as the hon. gentleman supposes it to be, from the statement by Mr. Haliburton, in the course of his argument before the Supreme Court on appeal, that the constitutional question had not been raised in the Court below, I am in a position, as the counsel who argued the case, to say that that was the gist of the whole argument in the Court below; and not only so, but if the hon. gentleman will turn to the decision in the Court below, the Supreme Court of Nova Scotia, he will find the judgment of one of the judges giving judgment on behalf of Mr. Ritchie proceeded only on the constitutional ground and disregarded all others; and that constitutional ground was more or less discussed likewise in the positions taken by the other judges.

Mr. AMYOT. I took my information from the reports of the Supreme Court.

Sir JOHN THOMPSON. I would refer the hon. gentleman, for further information, to the decision in the Court below, not only given in the Supreme Court reports, but as embodied in the Cartwright edition of constitutional cases, and it immediately follows the decision in the Supreme Court of Canada. The hon. gentleman intimated to the House that the decision in the case of Lenoir *v.* Ritchie was an erroneous one, and he arrived at that conclusion by a course of reasoning, in which he sought to affirm the proposition that Her Majesty is constitutionally a portion of the Provincial Legislatures, and he came to the conclusion that that proposition had been denied by the Supreme Court of Canada in the judgment of Lenoir *v.* Ritchie. I venture to say that the judgment in the case does not proceed on that ground, and I venture to differ from the hon. gentleman that he has established that the Crown is an integral part of the Legislatures of the provinces. Let me first refer to the course of reasoning by which the hon. gentleman sought to establish that position. He sought to establish it by showing a course of legislation existing long prior to the confederation of the provinces, to the Imperial legislation confirming certain rights and powers to the use of Her Majesty's name in the functionaries who, from time to time, governed the different provinces in British North America. The hon. gentleman referred to the practice which prevailed in some of the provinces, of using Her Majesty's name in the enacting part of the provincial statutes. Let me submit for the hon. gentleman's con-

sideration, in the first place, that Imperial legislation prior to Confederation has really no bearing upon the subject, and that the provision in the Colonial Statutes Act of 1865, passed in the Imperial Parliament, and designating the powers which Colonial Legislatures possessing representative institutions can wield, has really no bearing on the subject, for this very obvious reason, that, in 1867, by the British North America Act, there was a completely new distribution of the powers by the Imperial Parliament. In reference to all the provinces of Canada, I think I am speaking within the lines of the decisions, which have all run one way, proceeding from the Judicial Committee of the Privy Council, all the legislative powers and constitutional functions which existed down to that time in the various provinces in British North America were, for the instant, taken back by the Imperial Government and redistributed under the terms of the British North America Act. Whether I am strictly correct in stating that they were taken back or not, certain it is that from that time forward the distribution of powers in those various provinces must depend upon the provisions of that Act, and on that Act alone. Nowhere is it provided in that Act that Her Majesty shall be considered an integral part of the Provincial Legislatures. So much for the early Imperial legislation on the subject. I will come by-and-by to refer to the hon. gentleman's argument, that Her Majesty's prerogatives are necessarily involved in the administration of public affairs in each province. That I do not dispute. I am confining my argument for the present to the contention that Her Majesty is not an integral part of the Legislatures of the provinces, as was held, and properly held, in the case of Lenoir *v.* Ritchie. As to the practice which the hon. gentleman has cited, of Provincial Legislatures using her Majesty's name in the enacting part of the statutes of the provinces at various times, I beg likewise to differ from him, both as to the conclusions which he would draw from that circumstance, and as to the extension of the practice itself. In the province of Canada, the practice did exist before Confederation, of enacting these statutes in the name of the Queen, and that practice, without authority, I think, without anything more to be said for it than a mere desire to continue the form which prevailed before Confederation, was carried forward and continued, and to this day, not only in Ontario, but in the province of Quebec, the statutes continue to be enacted in the name of the Queen. Now, it does not by any means follow that Her Majesty is the enacting power, and as to the correctness of that practice, I do not feel myself sufficiently informed to criticise the soundness of it, as applied to the province of Canada before Confederation. It may have been proper to use it there, on account of the circumstance that in that province Her Majesty's rule was administered by her direct representative, the Governor General. But I can assure the hon. gentleman that that practice did not exist in the other province of Canada, and that from the time representative institutions were given, down to the present moment—outside, I mean, of the old limits of Canada—the statutes were, from the earliest periods, and are to-day, enacted in the name of the Governor in Council and of the Assembly, without any pretence whatever that Her Majesty is part of the legislative body. I conceive, Sir—and in this respect I again differ from what the hon. gentleman has said—that that is of no material consequence whatever; and I am unable to agree with the hon. gentleman, that if Her Majesty is not a part of the Legislature of the province, it follows that the statutes purporting to be passed in Her Majesty's name are invalid, or inoperative, or should have been disallowed. On the contrary, the vitality of a statute arises from the fact of its having been enacted, by the powers which have a right to pass it, within the British North America Act. If a statute is passed by the Lieutenant Governor of a province, with the advice of his Assembly, and his Legislative Council if he have one, that statute is valid, as the statute of the province, and as I submit, valid, altogether irrespective of any style by which it purports to have proceeded from her Majesty. If the Act was actually passed by the Legislature of the province, it is immaterial that it purports to have been enacted likewise in the name of Her Majesty.

[To be continued].

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, March 29.

Judicial Abandonments.

Marie Anne Dussault, carying on business under the name of Gingras & Co., joiners' work, Montreal, March 21.

Patrick Doyle, baker, Montreal, March 13.

Isaac Dubord, trader, Victoriaville, March 26.

Jacques Neveu, Sr., trader, Ripon, March 21.

John S. Murphy & Co., Quebec, March 22.

John S. Murphy, Quebec, March 22.

William H. Wilson, Quebec, March 22.

Curators appointed.

Re Ed. N. Blais & Co., merchants, Quebec.—H. A. Bedard, Quebec, curator. March 26.

Re Narcisse Edouard Cormier, lumberman, Aylmer, —Wm. Grier, Montreal, curator, March 22.

Re Patrick Doyle, baker, Montreal.—W. F. Johnston, Montreal, curator, March 21.

Re Lamarche, Prévost & Cie., Montreal.—Kent & Turcotte, Montreal, joint curator, March 27.

Re Narcisse Edouard Morrissette, trader, Three Rivers.—H. A. Bedard, Quebec, curator, March 24.

Re E. E. Parent, painter, Hull.—Wm. Grier, Montreal, curator, February 28.

Re Laurent Justinien Pelletier, Montreal.—W. A. Caldwell, Montreal, curator, March 26.

Re J. F. Plourde, St. Etienne.—F. Valentine, Three Rivers, curator, March 20.

Dividends.

Re George Bergeron, Montreal.—First and final dividend, payable April 15, W. A. Caldwell, Montreal, curator.

Re James Bisset et al.—Third and last dividend, payable April 10, James Reid, Quebec, curator.

Re E. Massicotte & frère.—First and final dividend, payable April 16, C. Desmarteau, Montreal, curator.

Re Ambroise Rufiange, contractor.—Dividend, payable April 15, R. S. Joron, Salaberry de Valleyfield, curator.

GENERAL NOTES.

EPITAPH ON LORD WESTBURY.—'A Barrister' of Lincoln's Inn writes to us to correct a mistake in the lately published 'Life of Lord Westbury' as to the famous epitaph suggested for Lord Westbury after his judgment in the *Essays and Reviews Case*. The *jeu d'esprit* is there attributed to the late Sir Philip Rose. As a matter of fact, the author of the epitaph was Mr. E. H. Pember, Q.C., the well-known leader of the Parliamentary bar. A more brilliant *mot* was perhaps never published. Within twenty-four hours after its appearance in the *Spectator* everyone at the clubs was saying, 'Have you seen Pember's latest?' The passage runs thus; 'Towards the close of his earthly career, in the Judicial Committee of the Privy Council, he dismissed hell with costs, and took away from orthodox members of the Church of England their last hope of everlasting damnation.'—*Law Journal.*

NO CHICKS.—Mr. Justice Field, of the Supreme Court of the United States, is reported to have said to a Chicago interviewer: "We are no chicks. My oldest brother, David Dudley, is eighty-four years old; I am seventy-three; Cyrus is seventy and Henry sixty-seven."

AN ESCAPE.—A curious lawsuit has been decided in Wisconsin. An inmate of one of the county poor houses escaped last winter, and in wandering through the woods was terribly injured by frost, eventually losing both feet. He brought suit against the keeper of the poor house for allowing him to escape, and has recovered a verdict of $2,300. He was defeated at first, but the Supreme Court sustained his right to sue, and he wins on the second trial.

LAWYERS' WILLS.—The old proverb which, in terms at least, is not complimentary to the man who undertakes to be his own lawyer, is again illustrated in the matter of the Tilden will, the fate of which adds further testimony to the popular belief that a great lawyer is often not capable of making his own will. According to a decision just rendered by the general term of the New York Supreme Court, the late Samuel J. Tilden, who, in his time, was regarded as a lawyer of eminence, has failed to make a valid disposition of his property to the 'Tilden Trust,' an institution which he intended to have incorporated for the establishment of a free library and reading room in the city of New York. In his will Mr. Tilden requested his executors to obtain from the legislature the incorporation of the 'Trust,' and authorised them to convey the entire available residue of his estate, after the deduction of certain bequests, or such portion thereof as they should deem expedient, to the trust. The court holds that the devise is void for indefiniteness, and that the discretionary power vested in trustees is incompatible with the existence of a trust. If this decision should be sustained by the court of appeals, a noble provision for the establishment of a public library, amounting to about $4,500,000, will be lost to New York city. Up to the present, it should be noted, the supreme court judges, before whom the will has come, have been equally divided upon the question of its validity. The judge before whom the will first came held the trust valid, and one of the three general term judges, a judge of much ability and learning, too, dissents from the decision overruling the earlier judgment.

A SINGLE EYE TO JUSTICE.—Who that saw can ever forget Judge Balcom's wide-eyed amazement when he beheld, entering one after another, the unique collection of monocular officers who composed his famous one-eyed court?" A constable, an associate justice, the clerk, and the crier, beamed affably upon His Honor from out of their solitary optics; and then in walked Henry Van Duzer, Schuler county's able, one-eyed District-Attorney. Dazed for a moment, the astonished Justice closed first one eye and then the other to convince himself that his vision was still duplicate, and then, arising, opened the term with the remark that "this court will now enter upon its labors with a single eye to the furtherance of the business before it."—*Rochester Herald.*