The Legal News.

Vol. XII. APRIL 20, 1889. No. 16.

A short bill, introduced in the Senate by the Hon. Mr. Abbott, Q.C., proposes to amend Sect. 9 of R.S.C. ch. 155, "An Act respecting Escapes and Rescues," by adding the following sub-section thereto:—"2. In the case of everyone who being sentenced to be detained in any industrial school, escapes therefrom, the said justice of the peace or magistrate may, instead of remanding him to such school, send such offender to be detained in any reformatory prison or reformatory, for any term not exceeding five years."

A note which has appeared, of a decision given by the Queen's Bench Division, Ontario, in *Reg. v. Gibson* (Feb. 4), states that the Court held "that the sufficiency of an indictment upon a motion to quash it, is not a question of law which arises on the trial, and therefore is not within R. S. C. c. 174. s. 259, and the Court has no power to entertain it." The Court appears, however, to have also expressed the opinion that the indictment in the case before it was sufficient; and further light may be thrown upon the holding cited when the report appears. No objection to the reservation of cases seems to have been made in this Province, on the ground taken by the Crown in *Reg. v. Gibson*. During the last term of the Court of Queen's Bench at Montreal, in *Reg. v. Craig*, the sole question reserved was the sufficiency of the indictment. The indictment was for obtaining money by false pretences, and did not set out the nature of the false pretence, which the Court, on a Case Reserved, held to be unnecessary.

In an old comedy, *The Twin Rivals*, written by Farquhar in the beginning of the eighteenth century, we light upon a passage which might serve as an illustration of *McCormack* v. *Loiselle*, 11 Leg. News, 409:—

Teague.—But what will you do for poor Teague, maishter?

Elder Wou'd be.—What shall I do for thee?

Teague.—Arah, make me a justice of peash, dear joy.

Elder Wou'd be.—Justice of peace! Thou art no qualified, man.

Teague.—Yes, fet am I—I can take the oats, *and write my mark.* I can be an honesht man myshelf, and keep a great rogue for my clerk.

SUPREME COURT OF CANADA.

OTTAWA, March 18, 1889.

TUPPER v. ANNAND.

Nova Scotia.]

Contract—Mining land—Speculation in—Agreement with third party—Renewal of—Effect.

T., being in Newfoundland, discovered a mine of pyrites, and on returning to Nova Scotia he proposed to A. that they should buy it on speculation. A. agreed, and advanced money towards paying T.'s expenses in going to Newfoundland to secure the title. T. made the second journey and obtained an agreement of purchase from the owner of the mine for a limited time, but failing to effect a sale within that time the agreement lapsed. It was renewed, however, some two or three times, A. continuing to advance money for expenses. Finally, T. effected a sale of the mine at a profit, and had the necessary transfers made for the purpose, keeping the matter of the sale secret from A. On an action by A. for his share of the profit under the original agreement,

Held, affirming the judgment of the Court below, that the sale related back, as between T. and A., to the date of the first agreement, and A. could recover.

Appeal dismissed with costs.

W. B. Ross, for the appellants.

G. H. Fielding, for the respondent.

O'CONNOR v. MERCHANTS MARINE INSURANCE COMPANY.

Marine Insurance—Policy—Perils of the seas—Barratry—Loss by—Construction of Policy.

In a marine policy insuring against loss by "perils of the seas" there was no mention of barratry. The vessel being lost, it was found, in an action on the policy, that such loss was caused by the barratrous act of the master in causing holes to be bored by which the vessel was sunk.

Held, Strong, J., dissenting, that this loss was not occasioned by "perils of the seas,"

and the fact of barratry not being expressly excepted in the policy, would not entitle the insured to recover.

Appeal dismissed with costs.

Macmaster, Q.C., & W. B. Ross, for appellant.

MacCoy, Q.C., for respondents.

New Brunswick.]

WINCHESTER v. BUSBY.

Trover—Conversion—Bill of lading—Refusal to deliver cargo—Pre-payment of freight—Expenses of storage.

W. was master of a vessel carrying a cargo of coal for B. On arrival, W. refused to deliver the coal unless the freight was pre-paid, which B. refused, offering to pay freight ton by ton as delivered. The agent of the owners then caused the coal to be stored, on which the whole freight was tendered by B. and the coal demanded, which the agent refused unless the expenses of the storage were paid. In an action of trover against W.:—

Held, affirming the judgment of the Court below, Gwynne, J., dissenting, that there was a conversion of the coal for which B. could recover in trover.

Held, per Patterson, J., that B. had a right of action, but not against the master of the vessel, and that the appeal should be allowed on that ground.

Appeal dismissed with costs.

Weldon, Q.C., for the Appellant.

W. Pugsley & C. A. Palmer, for the respondent.

New Brunswick.]

SNOWBALL v. NEILSON.

Action to set aside judgment—Collusion.

S., a judgment creditor of J. N., Sr., applied to the Supreme Court of New Brunswick, on affidavits, to have a judgment of J. N., jr., against said J. N., sr., his father, set aside as being obtained by collusion and fraud, and in order to cover up assets of the said J. N., sr. The facts alleged in the affidavits supporting the application were: that a cognovit was given and said judgment of J. N., jr., was signed on the same day; that no account was ever rendered of the debt; that no entries were ever made by said J. N., jr., against his father; that the account for which the cognovit was given was made up from calculation and not from books; that the father had offered to have the judgment discharged on payment of a much smaller sum; and that on an examination of the father for disclosure, he would not swear that he owed his son the amount, and that he had had no settlement of accounts. The affidavits in answer stated how the debt had accrued, giving the details; that there was no collusion between the father and son; that the son had frequently asked his father for a settlement, but could not get it; and that he had never been a party to, or authorized any settlement. The Court below held that the applicant had failed to show fraud and refused to set aside the judgment.

Held, that the decision of the Court below should be affirmed.

Appeal dismissed.

G. J. Gregory, for appellant.

Hanington, Q.C., & J. A. Van Wart, for respondent.

New Brunswick.]

MACFARLANE v. THE QUEEN.

Criminal law—Assault—On constable in discharge of duty—Indictment for—Service of summons under Canada Temperance Act—Wife of defendant—Competent as witness on trial.

A constable in attempting to serve a summons on M. for violation of the Canada Temperance Act, was assaulted by M. and his wife. On indictment for such assault as an assault on a constable in discharge of his duty, under 32-33 Vic., c. 20, s. 39; R. S. C. c. 162, s. 34:

Held, affirming the judgment of the Court below, that such section applies to the case of a constable serving a summons for violation of the Canada Temperance Act.

Held, also, that on the trial of such an indictment, neither the defendant or his wife is a competent witness under sec. 216 of the Act relating to Procedure in criminal cases R. S. C. c. 174.

Appeal dismissed.

J. A. VanWart, for the appellant.

R. J. Ritchie, Sol. Gen. of New Brunswick, for the respondent.

Ontario.] OTTAWA, March 19, 1889.

ROBERTSON v. WIGLE.—THE ST. MAGNUS.

Maritime Court—Collision—Damages—Party in fault—Answering Signals.

The owners of the tug "B. H." sued the owners of the steam propellor St. M. for damages occasioned by the tug being run down by the propellor in the River Detroit.

Held, reversing the judgment of the Maritime Court of Ontario, that as the evidence showed the master of the tug to have misunderstood the signals of the propellor, and to have directed his vessel on a wrong course when the two were in close proximity, the owners of the propellor were not liable, and the petition in the Maritime Court should be dismissed.

Appeal allowed with costs.

MacKelcan, Q. C., and *Lash, Q. C.*, for the appellants.

Christopher Robinson, Q.C., and *S. White*, for the respondents.

New Brunswick.]

MARITIME BANK v. TROOP.

Winding-up Act—R. S. C. c. 129, s. 57—Double Liability—Set off.

Sec. 57 of the winding-up Act R. S. C. c. 129 provides that "the law of set-off as administered by the Courts, whether of law or equity, shall apply to all claims upon the estate of the Company, and to all proceedings for the recovery of debts due or accruing due to the Company at the commencement of the winding-up, in the same manner, and to the same extent, as if the business of the Company was not being wound up under this Act."

Held, reversing the judgment of the Supreme Court of New Brunswick, that this section does not give a right to a contributory to set off an independent debt owed to him by a Company against calls made in the course of winding-up proceedings either for capital or double liability.

Appeal allowed with costs.

Barker, Q. C., for the appellants.

J. A. Van Wart, for the respondent.

*COURT OF QUEEN'S BENCH—MONTREAL.**

Prescription—Art. 2261, C. C.—Description of property—"West side" of river—Change of course.

Held:—1. That a claim for the value of wood wrongfully cut and carried away from plaintiff's land, is not prescribed by two years, the prescription of C. C. 2261, sec. 2, not being applicable to such claim.

2. That where a deed conveyed all the land of lot 10 to be found on "the west side of the river" which runs through the lot, all the land on the west side according to the general direction of the river through the lot was included, although in consequence of a bend in the stream and a change of course from south to north, a portion of such land lay geographically on the east side of the curve.—*Eaton et al. & Murphy et al.*, Dorion, C. J., Monk, Tessier, Cross, Baby, J J., Dec. 9, 1884.

Procédure—Frais—C. P. C. 453, 478.

Jugé:—Que le non-paiement des frais incidents, même d'appel, dans une cause ne peut pas suspendre la continuation de cette même cause, lorsque le tribunal qui a condamné aux frais n'a pas imposé le paiement comme condition préalable à la continuation.—*Robinson* v. *C. P. R. Co.*, Tessier, Cross, Church, Doherty, J J., 19 Sept., 1888.

Railway—Animals straying on the track—Responsibility of railway company—Cattle guards.

Held:—1. That when the employees in charge of the trains of a railway company discover animals upon the track they are bound to exercise proper care and prudence to prevent injury to them, and a mere slackening of speed will not be considered sufficient to relieve them from responsibility.

2. That no requisition or writing was necessary to put defendants in default for non-compliance with Consolidated Railway Act, 1879, sec. 16, as amended by 46 Vic. cap. 24, sec. 9.

3. That a railway company is liable for animals or cattle killed or injured by getting on the track of the railway in consequence of the absence of cattle guards, without

* To appear in Montreal Law Reports, 4 Q. B.

reference to whether such animals were, as between their owners and the public, lawfully on the highway.—*Pontiac Pacific Junction Ry. Co. & Brady*, Dorion, C. J., Tessier, Cross, Baby, Doherty, J J. (Cross, J. diss.), Sept. 22, 1888.

QUEBEC LEGISLATION—1889.

Cap. 10.

An Act to amend the Quebec Controverted Elections' Act.

[*Assented to 21st March*, 1889.]

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :—

1. The following subsection is added after subsection 8 of section third of chapter third of title second of the Revised Statutes of the Province of Quebec:

§ 8*a*.—*Appeals.*

"553*a*. An appeal to the Court of Queen's Bench sitting in appeal may be taken from any judgment which declares that any person or persons has or have committed any corrupt practice, whereby such person or persons is or are deprived of the right of being elected to and of sitting in the Legislative Assembly, of voting at any election of a member of that House, and of holding an office in the nomination of the Crown or of the Lieutenant-Governor.

The appeal from any such judgment shall be to the Court of Queen's Bench sitting in appeal at Montreal, if it was rendered in a district whence, in virtue of the Code of Civil Procedure, cases are taken in appeal to Montreal, and to the Court of Queen's Bench sitting in appeal at Quebec, if it was rendered in a district whence, in virtue of the said code, cases are taken in appeal to Quebec."

"553*b*. Such appeal shall be taken, in a summary manner, by means of an inscription in appeal, signed by the appellant in person or by his attorney, filed in the office of the prothonotary of the district in which the judgment was rendered, within fifteen days after the rendering thereof, together with a deposit of the sum of two hundred dollars as security for costs, and a further sum of twenty dollars for making up and transmitting the record.

So soon as the said inscription and deposit have been made, the prothonotary who received the same shall remit the record to the Court of Queen's Bench, in the usual manner prescribed by the Code of Civil Procedure.

Within the said fifteen days after the rendering of the said judgment, the appellant shall serve a notice of the inscription in appeal upon the parties to the case affected by the said appeal and file the same in the office of the clerk of the Court of Queen's Bench.

If the evidence was printed for the purposes of the case in the court below, such printed evidence will suffice for the appeal, provided ten copies at least are produced.

If the evidence was not printed for the purposes of the case in the court below, the parties shall be obliged to print only so much of the evidence as refers to that issue of the case respecting which the appeal is brought, and for that purpose they shall, ten days after the inscription in appeal, apply, after notice, to one of the judges of the Court of Queen's Bench in Chambers, and have him select the evidence that is to be printed.

Printed factums shall be produced by the parties as in ordinary appeals to the Court of Queen's Bench, within fifteen days after the filing of the said inscription.

"553*c*. Appeals under this subsection shall have precedence over all other cases.

2. Any person who, since the 27th day of May, 1882, date of the coming into force of the Act 45 Victoria, chapter 6, has been, by a judgment rendered upon a controverted election petition, declared guilty of a corrupt practice and been deprived, as set forth in section 1, may avail himself of the right of appeal granted by this Act, provided the inscription and deposit above-mentioned be made within thirty days after its coming into force.

Upon such appeal taken under this section, the respondent has no costs to bear, whatever be the judgment in appeal.

3. This Act shall come into force on the day of its sanction.

Cap. 11.

An Act to amend the Controverted Elections Act.

[*Assented to 21st March*, 1889.]

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:—

1. The following article is added after article 576 of the Revised Statutes of the Province of Quebec.

"576*a*. The trial of every election petition shall be commenced within six months from the time when such petition has been presented, and shall, saving the adjournments ordered by the judge or the court, be proceeded with *de die in diem*, until the trial is over; but, if at any time, the court or judge deems the respondent's presence at the trial necessary, such trial shall not be commenced during a session of the Legislature; and, in the computation of any delay allowed for any step or proceeding in respect of such trial, or for the commencement of such trial as aforesaid, the time occupied by any such session of the Legislature shall not be reckoned.

2. If, at the end of three months after the presentation of such petition, the day for the trial has not been fixed, any elector may, on application, be substituted to the petitioner upon such terms as the court or a judge shall deem just."

3. This Act shall come into force on the day of its sanction; but shall not affect contestations of elections now pending.

SALARIES OF PUBLIC EMPLOYEES.

To the Editor of the LEGAL NEWS:

SIR,—Might I ask the favor of a slight space in your columns, to insert a brief outline of a bill presented to the Legislative Assembly for the purpose of amending the law relating to the seizure of the salaries of public employees. The bill was considerably amended, from its original shape, at the suggestion of the Committee on Legislation, and was then signed by *nine* of its members, namely: Hon. M. M. Gagnon, Lynch, Blanchet, Flynn and Pelletier, and Messrs. David, Gladu, Hall, Nantel and Picard. The motion to go into committee of the whole was opposed, but carried on a division of 31 to 24, as follows:

Yeas—Baldwin, Bazinet, Bernatchez, Blanchet, Cardin, DeGrosbois, Desjardins, Dumais, Duhamel, Flynn, Gagnon, Gladu, Laliberté, Lapointe, Lareau, LeBlanc, Lynch, Martin (Bonaventure), McIntosh, Morin, Nantel, Owens, Picard, Poupore, Robertson, Rochon, Shehyn, Spencer, Sylvestre, Trudel and Turcotte—31.

Nays.—Bisson, Bourbonnais, Cameron, Casgrain, Champagne, Dechêne (L'Islet), Duplessis, Faucher de Saint Maurice, Forest, Goyette, Lafontaine, Lemieux, Legris, Lussier, McShane, Murphy, Pelletier, Pilon, Rhodes, Rinfret, Rocheleau, Taillon, Tessier, Tourigny—24.

Mr. Lareau was appointed chairman of the committee, which only sat *pro forma*, as it was on the stroke of six o'clock.

On the order of the day being called at the evening sitting, the attention of the House was directed to the fact, pointed out since the last sitting by an honorable member who, by the way, is an LL. D., and Professor of Law at Laval University, that *under the bill, as it then stood, no action at law could be brought against an employee for any cause whatsoever*; and, as it was then too late in the session to bring in a new measure on the subject, the House was asked to go into committee and rise without reporting progress, which was accordingly done, and the bill was left to expire.

The last amendments suggested to the author of it by Mr. Lareau, and which were to have been made in committee, would have left the bill as I now send it to you, asking you to kindly insert it for the information of the public, to whom its contents are unknown, as the bill was not reprinted in its amended shape. It may also prove interesting to the members of the legal profession, who were equally divided on it, *nine to nine*, and who are invited to examine its merits or demerits. As far back as 1880, the Hon. Chief Justice Meredith, in rendering judgment on a case before him, reported on page 350 of the Quebec Law Reports, Vol. VI, stated that amendments to the law would probably be required to *obviate* the *ruinous costs*, by leaving the division of the seizable portion of salary to the head of departments. Yet no attempt was ever made to remedy this state of things for fourteen years, when a bill was

drawn up by a member of the Civil Service, and with what result I have told you.

The bill was as follows, Mr. Lareau's last suggestions being in italics :—

An Act to repeal articles 696 and 697, of the Revised Statutes, and to substitute therefor the articles mentioned therein.

Whereas, it is expedient to repeal articles 696 and 697 of the Revised Statutes of the Province of Quebec, and to substitute therefor certain other articles; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Articles 696 and 697, of the Revised Statutes, are hereby repealed and the following substituted therefor:

696. The creditor of any public official or employee, must, before instituting an action for debt (*assumpsit*), or an attachment against his salary, present his claim, duly atttested and accompanied with vouchers, to the head or deputy-head of the department where such official is employed.

2. If the latter authorizes its payment, the head or deputy-head shall direct the accountant to pay the same out of the instalments of the salary of such official or employee liable to seizure.

3. In this case no costs of suit are charged against the official.

4. Should the official refuse to give the above authorization within three days from the *receipt of the claim* by the head or deputy-head of the department, it shall be lawful for the creditor to institute an action, or to take out an attachment, as the case may be.

5. No transfer or assignment of such seizable portion of salary, made in future, can avail against any creditor of such public official or employee.

697. If two or more creditors present judgments, or claims admitted as above, the portion of salary available shall be divided between them in proportion to their respective claims.

2. This Act shall come into force on the day of its sanction.

Your obedient servant,

ADVOCATE.

THE QUEEN'S SUPREMACY IN QUEBEC.

The recent debates upon the "Jesuits' Estates Act" have raised three questions:—First, Does the Act 1st Elizabeth, establishing the Royal Supremacy, extend to this Province? Second, To what extent does it so extend? Third, Does anything in the "Jesuits' Estates Act" conflict with the Royal Supremacy? This last question is a very difficult one, inasmuch as there is no statutory definition of the Royal Supremacy. It could only be settled by a court of high authority. For our part we prefer to adopt the opinion of that very sensible person in the "Acts of the Apostles," the Town Clerk of Ephesus, and say "the law is open and there are deputies, let them implead one another."

But when anyone goes on to say that the Act 1st Elizabeth is not in force in this Province in any of its provisions, and that it is effete, and that the Legislature of Quebec, or in fact the House of Commons at Ottawa, has power to derogate from it, we would demur and would refer him to the Consolidated Statutes of Canada, p. xi., where, among the Imperial Statutes still in force, will be found the 14th George III., cap. 83. The later revision does not touch this and could not, because it is provided, by the Imperial Act 28-29 Vic., cap. 63, that any colonial law repugnant to any Imperial Act extending to such colony is *pro tanto* void. Moreover, oddly enough, we may be assured that the 14th George III., cap. 83, is now in force, because, to this instant, the Church of Rome is collecting its tithes by the operation of the very same section of it, which declares the 1st Elizabeth to be in force. So that every time a *curé* invokes the law to collect his accustomed dues he must admit it, for there is no other law but that section by which he can recover. Almost every week the perpetual operation to some extent of the 1st Elizabeth is admitted by implication in the courts of this Province. The section we refer to is sec. 5 of 14 George III., cap. 83, and reads thus :—

"And, for the more perfect security and ease of the minds of the inhabitants of the said Province, it is hereby declared: That His Majesty's subjects professing the religion of the Church of Rome of and in the said Province of Quebec may have, hold, and enjoy the free exercise of the religion of the Church of Rome, subject to the King's Supremacy, declared and established by an Act made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did or thereafter should belong to the Imperial Crown of this realm; and that the

clergy of the said Church may hold, receive and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said religion."

We may be sure that the whole of the Act 1st Elizabeth is not in force, because the free exercise of the Roman Catholic religion was conceded, and because the Crown put its courts at the service of the Roman clergy for the purpose of collecting their tithes and dues; but we may also be sure that all this is done under "the Royal Supremacy as laid down in the said Act 1st Elizabeth." This supremacy, if we may judge from the debate in the House of Commons, is an unknown quantity which we are not now attempting to resolve; but whatever this legal "x" may be, it is in our statute book, not as a provincial but as an Imperial statute, and we cannot repeal it. If the Imperial Parliament were to repeal it, new legislation would be required in this Province if tithes and dues were to be continued.—*Gazette.*

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, April 6.

Judicial Abandonments.

Joseph Hatch, restaurant keeper, Montreal, April 1.

J. N. Lamarche, book-binder, Montreal, March 26.

Curators appointed.

Re Joseph Adams.—Samuel Boyd, Athelstan, curator, March 21.

Re Sergius Archambault, Ste. Théodosie.—Kent & Turcotte, Montreal, joint curator, April 3.

Re Napoléon J. Bertrand, harness-maker, Coaticook.—W. L. Shurtleff, Coaticook, curator, March 28.

Re Madame Pierre Labbé, Montreal.—J. McD. Hains, Montreal, curator, March 27.

Re J. A. Filiatrault, Notre Dame de Salette.—J. McD. Hains, Montreal, curator, March 30.

Re Isaïe Fréchette, boot and shoe manufacturer, St. Hyacinthe.—J. Morin, St. Hyacinthe, curator, March 26.

Re H. Gagnon & Co., dry goods.—H. A. Bedard, Quebec, curator, March 30.

Re Narc. Lapierre.—C. Desmarteau, Montreal, curator, April 3.

Re Calixte Lavoie, St. Cyrille de Wendover.—A. J. Dubuc, Drummondville, curator, March 29.

Re Patrick O'Connor, Petit Pabos.—H. A. Bedard, Quebec, curator, March 16.

Re Charles W. Phillips (C. W. Phillips & Co).—W. A. Caldwell, Montreal, curator, March 18.

Dividends.

Re Onézime Boulianne, Tadoussac.—Fifth dividend, payable April 24, T. Lawrence, Quebec, curator.

Re Noé Brosseau.—Dividend, payable April 25, Kent & Turcotte, Montreal, joint curator.

Re James Corbeil.—First dividend, payable April 27. C. Desmarteau, Montreal, curator.

Re Dechène & Laberge.—First and final dividend, payable April 19, D. Arcand, Quebec, curator.

Re J. O. Delisle.—First and final dividend, payable April 24, C. Desmarteau, Montreal, curator.

Re Desmarteau & Fils.—First and final dividend, payable April 24, C. Desmarteau, Montreal, curator.

Re Dame Caroline Floucaud, widow of Edouard Fortin.—First and final dividend, payable April 25, C. Desmarteau, Montreal, curator.

Re James Guest.—Second dividend, payable April 22, A. F. Riddell, Montreal, curator.

Re Wilfred Major.—First dividend, payable April 12, Bilodeau & Renaud, Montreal, curators.

Separation as to Property.

Annie Elizabeth Barter vs. Isaac Lafayette Hill, trader, township of Dudswell, August 25, 1888.

Elizabeth Beauséjour vs. Louis Dupras, butcher, Montreal, April 3.

Emma Gauthier vs. Irénée Gauthier, trader, Parish of St. Irénée, Nov. 3, 1888.

Marie Julia Lapointe vs. Wm. Henry Cooke, M.D., township of Dudswell, March 29.

Adelphine Marcil vs. Gilbert Lamarre, farmer, parish of Longueuil, April 1.

Vitaline Tremblay vs. Joseph Amyot, contractor, Montreal, March 28.

Quebec Official Gazette, April 13.

Judicial Abandonments.

O. Bégin & Co., Quebec, April 3.

Dlle. Virginie Perrault, trader, Victoriaville, Apl. 11.

Curators Appointed.

Re Elie Brodeur.—Bilodeau & Renaud, Montreal, joint curator, April 10.

Re N. Dion & Co., boot and shoe manufacturers, Quebec.—D. Arcand, Quebec, curator, April 9.

Re Alp. Guay, Chicoutimi.—D. Arcand, Quebec, curator, April 1.

Re J. N. Lamarche.—A. F. Riddell, Montreal, curator, April 6.

Re J. A. Morin.—J. Morin, St. Hyacinthe, curator, March 26.

Dividends.

Re P. C. D'Auteuil.—First dividend, payable May 1, H. A. Bedard, Quebec, curator.

Re A. Renaud & Co.—Second and final dividend, payable April 30, Thos. Darling, Montreal, curator.

Re Pierre Vallières.—First and final dividend, payable April 30, C. Desmarteau, Montreal, curator.

Re L. O. Villeneuve.—First dividend, payable May 1, H. A. Bedard, Quebec, curator.

Separation as to Property.

Adèle Lefebvre vs. Firmin E. Binette, Ste. Cunégonde, April 4.

Olivine St. Pierre vs. Pierre Vallières, shoemaker, Three Rivers, April 9.

Minutes Transferred.

Minutes of Joseph H. Lefebvre, N. P., of late Thomas Brassard, N.P., and of late Louis Phillipe

Tremblay, N.P., transferred to Stanislas Deslierres, N.P., Granby, April 11.

Appointments.

L. E. Caron, Louiseville, to be registrar of County of Maskinongé, in the stead of Clovis Caron.

Messrs. C. L. Champagne and D. Barry, to be district magistrates under Act of last Session, amending the law respecting district magistrates.

Quebec Official Gazette, April 20.

Curators Appointed.

Re J. B. Beaulieu, Amqui.—Kent & Turcotte, Montreal, joint curator, April 11.

Re Charbonneau & fils.—C. Desmarteau, Montreal, curator, April 17.

Re L. Toutant, Gentilly.—Kent & Turcotte, Montreal, joint curator, April 13.

Dividends.

Re Raoul Dufresne, Bedford.—Dividend on proceeds of lots, open to objection until May 6.

Re Wm. Dodds & Co.— First and final dividend, payable May 2. J. McD. Hains, Montreal, curator.

Re Ida Labelle.—Second and final dividend, payable May 6, C. Desmarteau, Montreal, curator.

Re Lefaivre & Laberge.—First and final dividend, payable May 8, C. Desmarteau, Montreal, curator.

Re A. Robitaille, *fils.*—First and final dividend, payable May 7, C. Desmarteau, Montreal, curator.

Re Z. Thériault.—First and final dividend, payable May 7, Kent & Turcotte, Montreal, joint curator.

Separation as to property.

Agnès de Lottinville vs. Wilfred Dussureault, farmer, parish of St. Stanislas, Three Rivers, April 15.

Marie E. Jacob vs. Joseph Pierre Gravel, joiner, Montreal, April 13.

Philomène Peloquin vs. Elzear Drolet, wheelwright, St. Grégoire le Grand, April 16.

GENERAL NOTES.

OMISSION.—The head-line, "*Coram* PELLETIER, J.", was accidentally dropped by the printer in the reports on pp. 105, 106.

A BRIEF FROM THE GREEN BAG.—The Green Bag (March) says:—"*The Legal News* (Montreal) is one of the brightest and most welcome of our exchanges. Every number has something in it well worth the reading, and its reports of cases are well selected and not too voluminous."

A SPECTRE AT THE FEAST.—While Lord Chief Justice Coleridge was in the United States, Mr. Emory Storrs gave a banquet in his honor at Chicago. But Mr. Storrs was always in debt, and lo! who should appear at the door when the spread was laid but an unbidden guest—the sheriff, with a *fieri facias*, to be levied on the repast upon which a hundred hungry lawyers had just begun to levy their appetites. A friend of Mr. Storrs, realizing the situation, hurried to the door and gave his check for the amount of the execution. But not soon enough to prevent the truth from dawning upon the discomfited guests and imperturbable host. Storrs was equal to the emergency. "Great heavens!" he exclaimed, "what will a Chicago constable do next? He was about to levy on a Lord's supper."

THE BAR OF NEW BRUNSWICK.—At a meeting of the Barristers' Society at Fredericton, it was resolved that hereafter the Supreme Court and the single judges thereof sitting judicially be addressed by the Bar as "your lordships" and "my lord" respectively, in order to conform to the usage existing in other provinces. The society also decided to present a congratulatory address to Sir John C. Allen, Chief Justice, on the dignity recently conferred on him by Her Majesty, and that as a mark of the esteem in which he is held by the provincial Bar, his portrait in oil be procured and hung in the Supreme Court room at Fredericton.

COURSE OF STUDY.—After many years of deliberation the Columbia Law School has changed from a two to a three years course. One who looks at the matter from any other standpoint than that of a law student anxious to get in a way of making money can not but regard it as a very wise move. This is a longer time than has generally been devoted to law courses in this country, although Columbia is not the first to move in this direction. The change was not taken without great deliberation, and the future will decide as to its wisdom. That there is a demand for a three year law school is shown by the fact that the present junior class is smaller only by an inconsiderable number than the larger junior class of last year. When one considers the ground to be covered if one is to acquire only the necessary foundations for professional usefulness, a three-years' course does not seem long.—*Columbia Law Times.*

SOLICITORS' DRESS.—There is no recognized forensic attire for solicitors, unlike judges and barristers, whose robes, however quaint they appear in the nineteenth century, are made respectable by a long continuity of usage. Solicitors are undoubtedly entitled to wear robes in court, and in some courts where they act as advocates, are bound to wear them; but a solicitor will never be connected in the public mind with a robe, like the barrister with a wig and gown, unless the whole profession adopt the practice of wearing robes in all courts. If this course were resolved upon and generally adopted, there would never be heard again the question, "Who are you, sir?" not infrequently addressed by the judge to a solicitor who thinks it his duty to say a word in court. The robe usually worn by solicitors, although it be made of extra fine princetta, may be mistaken for the usher's. It does not gain from its likeness to a queen's counsel's robe, as that is only worn in stuff, with weepers, and in silk has the distinction of material. As to solicitor-graduates wearing their academical gowns, there appear two difficulties—one is that the gown very closely approaches the barrister's gown, and the other is that unless the degree is in law there is no precedent for its appearing in a court of law. The judges and, we believe, advocates at Doctors' Commons used to wear their hoods.—*Solicitors Journal.*