The Legal News.

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Life insurance companies do not contribute much to the incomes of the profession. It is a remarkable fact that the statements of eleven Canadian life insurance companies for 1889, show only two claims resisted, one of $1,000 and one of $2,000. These companies have $126,000,000 of policies in force, and the claims paid during the year amounted to $1,137,961. The statement for 1888 was similar. It is evident, therefore, that there is no business of the same magnitude which is so free from litigious difficulties as life insurance.

Four of the Judges of the Superior Courts in London have been absent from their courts lately owing to indisposition, and the cause is stated to be the foul atmosphere of the Court rooms. In constructing the new law courts the subject of ventilation, though obviously one of the most important to be kept in mind, has apparently been disregarded, and the result is that the Judges, who have no way of escaping the pestilential atmosphere, are continually becoming ill from its effects. Lord Justice Cotton intimated some time ago that some one would have to be committed if the air of his Court was not improved.

In Ford's handbook on oaths, of which a new edition has been issued, the author says :—"A curious incident occurred in the City of London Court during the hearing of a case in which a Parsee gentleman was called as a witness. He objected to be sworn either on the Old or New Testament, and, not being a Mohammedan, he could not be sworn on the Koran. He mentioned, however, that he had a sacred relic about his person as a charm, and he thought by making a declaration, and holding the relic in his hand, and not concealing it, the act would be binding upon his conscience. Mr. Commissioner Kerr said he would be justified in taking the witness's declaration as proposed. He always understood, however, that a Parsee was usually sworn holding the tail of a cow, which was a sacred animal in India."

COURT OF QUEEN'S BENCH — MONTREAL. *

Partnership — Dissolution — Factory built by firm on land of one partner — Sale by licitation—Art. 1562, *C. C.*

Held:—Where two persons carried on the business of manufacturing cheese in partnership, and for the purposes of the business a factory was erected on the land of one of the partners, for which land a rent was paid by the firm, that on the dissolution of the partnership, and after the settlement of its affairs except as to the factory, the factory so erected belonged in common to the partners; and the partner on whose land the factory was erected was entitled under art. 1562, C. C., (if the buildings, in the opinion of experts, were not susceptible of convenient partition), to have them sold by licitation, to the highest bidder, with obligation on the purchaser to remove the same, and the price divided between partners.—*Sangster & Hood*, Tessier, Cross, Church, Bossé, Doherty, JJ., May 20, 1889.

Insolvency—Distribution of estate—Privilege—Deposit with Bank after suspension.

Held:—1. That a creditor is not entitled to rank for the full amount of his claim upon the separate estates of insolvent debtors jointly and severally liable for the amount of the debt; but is obliged to deduct from his claim the amount previously received from the estates of other parties jointly and severally liable therefor.

2. A person who makes a deposit with a bank after its suspension, the deposit consisting of cheques of third parties drawn on and accepted by the bank in question, is not entitled to be paid by privilege the amount of such deposit.—*Ontario Bank & Chaplin*, Dorion, Ch. J., Tessier, Cross, Bossé, Doherty, JJ., Jan. 25, 1889.

* To appear in Montreal Law Reports, 5 Q. B.

SUPERIOR COURT, ST. FRANCIS.

SHERBROOKE, December 20, 1889.

Coram BROOKS, J.

FLANNIGAN v. FEE et al.

Immovables by destination — Seizure in hands of purchaser in good faith—Rights of mortgagee.

HELD:—*That a mortgagee of an immovable on which was placed certain machinery which had become immeuble par destination, cannot attach said machinery by saisie en revendication in the nature of a saisie-conservatoire, in the hands of the defendant who has purchased the same in good faith.*

PER CURIAM:—This was a *saisie-revendication* in the nature of a *saisie-conservatoire* to attach certain machinery, boiler, engine, bark grinder, &c., sold by defendant Fee to defendants Begin and Lemieux, alleging that plaintiff had a mortgage upon a certain tannery at South Durham for $600 and interest. That on the 28th of May, 1889, plaintiff sold to defendant Fee his rights and pretentions to one-half of said tannery, and one undivided half of the land around the same for $800 paid at date of sale, and also $100 and interest due in one year from date of sale, and defendant mortgaged to plaintiff said tract of land so sold.

That there was on said tract of land, the property mentioned, which had become immovable *par destination, immeuble par destination*, altogether alleged to be of the value of $689. That plaintiff has a special lien upon said machinery; that within fifteen days said machinery has been removed illegally, and that the defendants Lemieux and Begin illegally hold the same. That defendant Fee was insolvent to the knowledge of defendants Lemieux and Begin, and they combined and colluded with Fee to defraud plaintiff.

To this defendants Begin and Lemieux plead, first, a special denial; second, that they bought the articles seized about the 16th of May, that this purchase was made in good faith of defendant Fee, who delivered the articles, and they paid for them at Sherbrooke; that Fee has since left the country, and defendants have been informed that he is insolvent.

The questions arising are two: 1. Had plaintiff a mortgage on this machinery, and if so, for how much? 2. Has plaintiff the right to pursue the defendants as they have under the circumstances *en revendication?*

As to the first question, plaintiff sold to defendant his right in one half the tannery and land, and one-half his interest in the partnership which had existed between them for $800, $100 paid, and for security for the balance it was declared "that the hereby "sold tract of land was hypothecated under "this sale;" giving it the broadest interpretation, though it is badly expressed, one-half of the property was mortgaged to plaintiff.

The articles seized in the tannery were immovables by destination, our code says, so long as they remain there. C. C. 379. Now the evidence shows that defendants by their manager, bought this machinery of defendant Fee, and paid him $350 on the 16th May, 1889, and it was removed about the 13th of May. There is no doubt that at least one-half of the machinery was hypothecated to plaintiff. Can he follow it?

He cites *Wyatt* v. *Senecal et al.*, 4 Q. L. R., page 76, where it was alleged that the defendants in that case had been for a long time in possession of the Levis & Kennebec Railway by pothecated to him, plaintiff, as holder of bonds, which gave hypothec and also a privileged claim upon the movable property of the Company, and that defendants were removing a part of the movables from the railway. Here there is no allegation that defendants were ever in possession of the realty, but that defendants pleading colluded with Fee, to defraud plaintiff. If this is true, there cannot in my mind be any doubt as to validity of claim for one-half at least.

Mr. Justice Bourgeois in *Philion* v. *Bisson, & Graham*, Opp., 23 L.C.J. p. 32, decided that the hypothecary creditor could oppose sale of property when seized as movable, under similar circumstances. See also *Budden* v. *Knight*, 3 Q. L. R. p. 273; *Henderson* v. *Tremblay*, 21 L. C. J. p. 24, Q.B.

But the question which comes up here is,

did defendants Begin and Lemieux purchase in good faith? They bought for $350. No greater value is established. They (through their agent) went to South Durham, and with the assistance of the other defendant, Fee, took the property out of the tannery, and it was loaded on to cars and brought to Sherbrooke for a tannery then being put into operation by them. They paid the $350, and it is not shown to have been worth more. The defendant Fee proposed to sell, and they bought of him. It is not shown that they received any benefit or that they acted secretly or connived with Fee, nor is it satisfactorily proved that plaintiff's mortgage is not collectable out of the tannery as it now stands.

That, however, is not the question. The law is to decide. See Marcadé & Pont, Vol. 10, pp. 451, 452 and 453. Aubry & Rau, Vol. 3, pp. 427, and 428. Grenier, Traité des Hypothèques, page 295. See also *Longeuil* v. *Crevier & Crevier et al.*, 14 R. L. p. 110, and Art. 993 of the Civil Code. All these unite in saying that if a purchaser purchases in good faith, and is in possession *bona fide*, there is no revendication. The whole question turns upon this point of defendants' good faith. There is nothing in this case to justify a judgment for plaintiff, or that the parties acted in bad faith.

The judgment is as follows:—

"The Court having heard the parties, plaintiff and defendants Begin and Lemieux, upon the merits of this cause, examined the proceedings, pleadings, and evidence and deliberated;

"Considering that plaintiff hath as against said defendants pleading, failed to establish the material allegations of his declaration, and particularly that defendants pleading ever colluded with or conspired with defendant Fee to defraud plaintiff;

"Considering that so far as relates to the articles seized in this cause, to wit—'one 'engine and boiler and smoke stack, part of 'one fulling mill, one pin block, two tables, 'one leach, one pump, two pieces of shafting, 'five pullies and one bark mill, and gearing,' and which had been taken from the tannery in Durham in the district of Arthabaska, where they had been placed in the tannery occupied by defendant Fee, and became immovable by destination, that the same were sold and delivered by defendant Fee to defendants Begin and Lemieux, who required them for a tannery then being put into operation in Sherbrooke, in the district of Saint Francis, and paid for by defendants Begin and Lemieux in good faith and at a reasonable price for such articles, that defendants took possession of them having bought them for their own use, requiring them for their own tannery in Sherbrooke, that they thereby became *tiers acquéreurs* in good faith, and that even if plaintiff had a mortgage upon the undivided half of the tannery from which they were removed, of which it is shown that defendants Begin and Lemieux had no knowledge, plaintiff has no right to pursue and seize them in their hands, they having been removed from said tannery and delivered to and paid for by defendants; this Court doth in consequence dismiss plaintiff's action with costs *distraits, etc.*"

Action dismissed.

Bélanger & Genest for plaintiff.

Panneton & Mulvena for defendants.

(J. P. WELLS.)

APPEAL REGISTER—MONTREAL.

Saturday, March 15.

There being no quorum, motions were received and entered, to be heard on Monday.

Monday, March 17.

Wineberg & Hampson.—Application of respondent to have the cause declared privileged rejected.

Palliser & Lindsay.—Petition in intervention rejected.

Bryson & Menard dit Bonenfant.—Motion for leave to appeal from interlocutory judgment rejected.

Berger & Morin.—Motion for suspension of proceedings rejected.

Bernard & Bedard & Jeannotte.—Motion for leave to appeal from interlocutory judgment rejected.

Bastien & Charland; Bastien & Chagnon.—Settled out of Court.

Lallemand & Stevenson.—Motion to dismiss appeal granted.

Guy & Schiller.—Motion for leave to appeal from interlocutory judgment. C.A.V.

The Queen v. *Doonan.*—Reserved case heard. C.A.V.

Tuesday, March 18.

The Queen v. *Lamontagne.*—Petition for habeas corpus. C.A.V.

Desvoyaux Laframboise & Tarte Larivière.—Heard. C.A.V.

Bergeron & Leblanc; Bergeron & Dufresne.—Heard. C.A.V.

Lamoureux & Dupras.—Heard. C.A.V.

Larivée & Société de Construction Canadienne Française.—Part heard.

Wednesday, March 19.

Rinfret & May et al.—Motion for leave to appeal rejected.

Berger & Morin.—*Acte* granted of filing of copy of judgment appointing a curator.

Larivée & Société de Construction Canadienne Française.—Hearing concluded. C.A.V.

Corporation Ste. Geneviève & Boileau—Heard. C.A.V.

Foster & Fraser.—Part heard.

Thursday, March 20.

Pratt & Charbonneau.—Confirmed. (Two appeals.)

Jetté & Dorion.—Confirmed.

Canadian Pacific Ry. Co. & Johnson.—Reversed.

Cie. de Navigation R. & O. & Desloges.—Reversed.

Cie. chemin de Jonction de Beauharnois & Leduc.—Confirmed.

Cie. chemin de Jonction de Beauharnois & Doutre.—Confirmed.

Robin dit Lapointe & Brière.—Confirmed.

Upper Canada Furniture Co. & Shaw.—Confirmed.

Guy & Schiller.—Motion for leave to appeal from interlocutory judgment dismissed without costs.

Ex parte Remi Lamontagne.—Petition for *habeas corpus* rejected.

Berger & Morin.—Case suspended until *instance* be taken up.

Foster & Fraser.—Hearing concluded. C.A.V.

Corporation de Chambly & Lamoureux et al.—Heard. C.A.V.

Friday, March 21.

Daoust & Bisson.—Motion for *congé d'appel* granted.

The Queen v. *Slack.*—Reserved case, district of Bedford. C.A.V.

Connolly & Bedard.—Heard. C.A.V.

Macmanamy & City of Sherbrooke.—Heard. C.A.V.

Merrill & Ryder.—Curator ordered to intervene to take up *instance.*

Roy, fils & Girard.—Part heard.

Saturday, March 22.

Schwersenski & Vineberg.—Confirmed.

Resther & Frères des Ecoles Chretiennes.—Confirmed.

Joyal & Deslauriers.—Confirmed.

Gilmour & Ethier.—Confirmed.

Exchange Bank & Gilman.—Confirmed, without costs in either Court.

Cie. de Navigation R. & O. & Treganne.—Motion of respondent for leave to proceed *in forma pauperis* granted.

Ex parte P. J. Gill.—Writ of *habeas corpus* and writ of *certiorari* ordered to issue.

Roy, fils & Girard.—Hearing concluded. C.A.V.

Monday, March 24.

Reid & Macfarlane.—Motion to dismiss appeal. C.A.V.

Berger & Morin.—Motion that Seath, curator to insolvent estate of respondent, be ordered to appear. C.A.V.

Canadian Pacific R. Co. & Charbonneau.—Heard. C.A.V.

Hannan & Ross.—Part heard.

Wednesday, March 26.

Gerhardt & Davis.—Reversed.

Trustees Montreal Turnpike Roads & Rielle.—Judgment reformed; each party paying his own costs in appeal.

The Queen v. *Doonan.*—Conviction quashed.

The Queen v. *Slack.*—Conviction maintained.

Irving & Chapleau.—Motion for precedence granted.

Hannan & Ross.—Hearing concluded. C. A.V.

Ex parte P. J. Gill.—Heard on petition for *habeas corpus.* C.A.V. It was ordered that the prisoner be transferred to the custody of the sheriff of Montreal during the *délibéré.*

Hagar & Seath.—Case declared privileged.

Grogan & Dolan.—Part heard.

Thursday, March 27.

Berger & Morin. — Ordered that curator to respondent (insolvent) appear and declare whether he intends to support the judgment appealed from.

Reid & Macfarlane.—Motion of respondent for dismissal of appeal rejected.

Ex parte P. J. Gill.—Petition for *habeas corpus* rejected. Prisoner remanded to the jail for the district of Richelieu.

St. Louis & Dufresne. — Appeal declared abandoned.

Fraser & Brunet.—Reversed.

Pratt & Charbonneau. — (Two appeals) Motion for leave to appeal to P. C. rejected.

Grogan & Dolan.—Hearing concluded. C. A.V.

Irving & Chapleau.—Heard. C.A.V.

Persillier Lachapelle & Brunet et vir.—Heard. C.A.V.

The Court adjourned to Friday, May 16.

APPOINTMENT OF QUEEN'S COUNSEL.

[Continued from page 96.]

I need not multiply the authorities on such elementary principles of English constitutional law. The power of erecting tribunals and appointing judges and officers has been delegated fully, without restriction, to our central Government on certain matters, and to our Local Legislatures on others. Let me now refer to the "Colonial Laws Act of 1865," which is an Act to remove doubts as to the validity of Colonial laws:

"Section 5: Every Colonial Legislature shall have, and be deemed at all times to have had, full power within its jurisdiction to establish courts of jurisdiction, and to abolish and reconstitute the same, and to alter the constitution thereof, and to make provision for the administration of justice therein; and every representative Legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers and procedure of such Legisture: provided that such laws shall have been passed in such manner and form as may from time to time be required by any Act of Parliament, Letters Patent, Order in Council, or colonial law for the time being in force in the said colony."

I will apply, further on, the British North America Act to that statute so clear and conclusive. The Supreme Court of Canada seems to have overlooked, not only the precedents and authorities I quoted, but even that statute specially made and provided for the colonies; and surely nobody will deny that every Province of the Dominion is a colony. The Supreme Court has, by that decision in Lenoir *vs.* Ritchie, reversed numerous precedents and decisions of our Canadian courts, which I will not quote, the Supreme Court being a higher tribunal, sitting in appeal of the Provincial Courts. Since the decision aforesaid, of the Supreme Court, Her Majesty's Privy Council has again decided, as to the plenitude of powers conferred upon the provinces within the limits of their attributions. In the case of Hodge *vs.* the Queen (Law Reports, 9 Appeal Cases, page 132, in 1883), the Honorable Lords of the Privy Council said:—

"It appears to their Lordships, however, that the objection raised by the appellants, is founded on an entire misconception of the true character and position of the Provincial Legislatures. They are in no sense delegates of or acting under any mandate from the Imperial Parliament. When the British North America Act enacted that there should be a legislature for Ontario, and that its Legislative Assembly should have exclusive authority to make laws for the Province and for Provincial purposes in relation to the matters enumerated in section 92, it conferred powers not in any sense to be exercised by delegation from or as agents of the Imperial Parliament, but authority as plenary and as ample within the limits prescribed by section 92 as the Imperial Parliament, in the plenitude of its power, possessed and could bestow. Within these limits of subjects and area the Local Legislature is supreme, and has the same authority as the Imperial Parliament, or the Parliament of the Dominion, would have had under like circumstances, to confide to a municipal institution, or body of its own creation, authority to make by-laws or resolutions as to subjects specified in the enactment, and with the object of carrying the enactment into operation and effect."

It seems to me that this last decision of the

Privy Council virtually reverses the judgment of the Supreme Court in *Lenoir* v. *Ritchie*, which, besides, never amounted to *res judicata*. In spite of that last judgment, our Canadian courts have unanimously continued to consider as valid our laws assented to by the Queen. But I will only refer to the Privy Council, and quote, by analogy, the following decisions. In 1883, in the celebrated case of Ontario Government and Mercer, it was held:—

"That lands in Canada escheated to the Crown for defect of heirs, belong to the Province in which they are situated, and not to the Dominion."—(Law Reports, 8 Appeal Cases, 1883, page 767.)

I presume it is useless to remark how much that decision has a direct bearing on the question I discuss, and how it fully recognizes the fictive presence of the Queen in the local powers. In the case of the Exchange Bank of Canada *vs.* The Queen, it was held, in 1885:

"That the Crown is bound by the two codes of Lower Canada."—(11 Appeal Cases, 1883, page 197.)

In the case of the Bank of Toronto *vs.* Lambe, and three other similar cases, it was held, in 1887:

"That the Public Act, 45 Victoria, chapter 22, which imposes certain district taxes on certain commercial corporations carrying on business in the province, is *intra vires* of the Provincial Legislatures."—(12 Appeal Cases, 1883, page 575.)

This Act had also been assented to in the name of the Queen. In the case of the Attorney-General of British Columbia *vs.* The Attorney-General of Canada, it was held, in April, 1889:

"That a conveyance by the Province of British Columbia to the Dominion, of 'public lands,' . . . does imply any transfer of its interest in revenues arising from the prerogative rights of the Crown."—(14 Appeal Cases, 1883, page 295.)

I do not pretend to exhaust the list of cases involving the same principle and affirming the same. I merely chose some of them, so as to satisfy this House as to the constant and clear opinion of Her Majesty's Privy Council. Having thus established that the Queen forms part of the Local Legislatures; that the appointment of Queen's Counsel is part of the royal prerogative equally with the appointment of all judicial officers; that the British Parliament has delegated to the Colony of Canada all the powers and prerogatives necessary to the organising and working of the courts of justice; that all these powers and prerogatives have to be exercised in the name of the Queen, by any colony entrusted with them, there remains to be seen to what extent those powers and prerogatives were delegated to the divers Provinces of the Confederation, in so far as the courts, their officers, management and organization are concerned. That part of the question does not seem to be of a great difficulty. I freely admit that the Federal Government have the right of appointing Queen's Counsel for their own courts, for the tribunals they have a right to create in virtue of section 101 of the British North America Act, such as the Supreme Court and the Exchequer Court. But sub-section 4 of section 92 of the same Act gives exclusively to the Provinces the right over the establishment and tenure of Provincial offices and the appointment and payment of Provincial officers; sub-section 13 gives them an exclusive right over property and civil rights in the Province; sub-section 14 gives them the exclusive right over "the administration of justice, including the constitution, maintenance and organization of Provincial courts, both of civil and criminal jurisdiction," and sub-section 16 gives them the exclusive right over all matters of a merely local or private nature in he Province. The appointment of a Queen's Counsel amounts, in our days, to the giving of a rank of precedence and preaudience. It concerns the internal economy and management of the courts. Surely this is a local matter and civil right. It is essentially provincial. A Quebec lawyer could not plead before an Ontario court. He would have to be admitted to the Ontario bar before pleading there, and *vice versa*. Section 94 provides that the laws of Ontario, Nova Scotia and New Brunswick may be assimilated. No such disposition exists for the Province of Quebec. Our courts, bar, laws, have been, and will remain, separated, distinct, local and private, to the Province. The power of constituting, maintaining and organizing a court implies, and carries with it, all the necessary powers to regulate the internal economy of the same, the rules of practice, the

admission to the bar, the appointment of the officers of the court, the keeping of records, and everything concerning the same, save the appointment of the judges of the superior, district and county courts, reserved to the Privy Council by section 96. The first law officer of the Crown is the Attorney-General. He is appointed by the Lieutenant-Governor, and nobody ever contested the validity of the appointment. Indictments are signed in his name, and have been upheld by all the courts. He is the first of the Queen's Counsel, according to Blackstone. The Solicitor-General comes after him. Both appointments by the Lieutenant-Governor are provided for by section 63 of the Confederation Act. Would it not be most extraordinary that the Lieutenant-Governor should have the right of appointing the first Queen's Counsel, the head of the hierarchy, and should not have the power to appoint those who only rank after? Where is the clause of the British North America Act that takes away that prerogative from the Crown? When the British Crown delegated all her powers to the Provinces, in so far as the courts are concerned, she delegated the whole of her powers and prerogatives to carry that disposition of the statute into effect. It would have required a special provision to except any of those powers and prerogatives. Not only are the provincial statutes assented to invariably in the name of the Queen, but all the officers of the departments, all offices of trust, as officers of the courts, sheriffs, registrars, coroners, gaolers, justices of the peace, police magistrates, constables, legislative councillors, etc., are appointed in the name of the Queen. All the writs in the courts, viz.: of summons, *habeas corpus*, *quo warranto*, *scire facias*, prohibition, *fieri facias*, *venditioni exponas*, writs of possession, all the letters patent for lands, mines, timber, for incorporating companies, all the proclamations, licenses—in a word, all the important acts of the Executive are made and issued in the name of the Crown, as required in the exercise of any royal prerogative. If the Queen did not form part of the Local Governments and Legislatures, all those appointments and documents would be void, and the Local Governments would have no power at all, and the Confederation would be a sham. It never came into the mind of any one to deny the validity of all those Acts of the Local Governments. But why should there be an exception in regard to the Queen's Counsel? What part of the Confederation Act would justify that pretension or exclusion? If our laws were not assented to in the name of the Queen, they would have to be assented to either in the name of the Governor or Lieutenant-Governor. No part of the British North America Act gives them any such power. The Governor-General received the power of disallowance as to the bills, but never was he substituted for the Queen as the fountain of powers and honors. No disposition makes him a constituent part of a Provincial Legislature. He carries on the Government of the Dominion in the name of the Queen, and wherever he is mentioned, it means the representative of the Queen, acting in her name, using her great seal, the emblem of sovereignty. But the Local Governments have also their great seals, the affixing of which means the consent, approbation, action of the sovereign. It amounts to an official signing of a document by the Queen. A special clause of the British North America Act (sec. 136) even provides for the design of those great seals for each Province. If the Queen did not form part of the Local Legislatures, the Provinces would no more be under the monarchical system; they would be mere republics, with a president elected by the Privy Council of Ottawa. The confederate power alone would constitute a monarchy. Will any sensible man sustain such an anomaly? I have spoken of the Attorney and Solicitor General. Let me refer you to sections 134 and 135 of the Confederation Act. They give to those officers all the powers they had before the Confederation. Section 134 adds that the Lieutenant Governors "may also appoint other and additional officers to hold office during pleasure, and may from time to time prescribe the duties of these officers, and of the several departments over which they shall preside or to which they shall belong, and of the officers and clerks thereof." Surely the administration of justice entrusted to the Provinces is

included in those powers; and the appointment of Queen's Counsel forms an essential, though small part of the same, affecting the internal economy of the courts of justice. The Attorney General is supposed to conduct every criminal trial. Was he in court, he would be *de facto* the first Queen's Counsel. He appoints substitutes who sign and speak for him. Section 134 undoubtedly gives him the right of delegating to them part of his powers and privileges; more than all that, our Federal statutes are full of dispositions, formally recognising that the Queen forms part of the Local Legislatures. The jurors appointed by the local officers are called the jurors of Our Sovereign Lady the Queen. The indictments are drawn charging a defendant to have acted against the peace of Our Sovereign Lady the Queen, her Crown and dignity. The jurors are to be challenged or ordered to stand aside in the name of the Crown. Chapter 174 of the Revised Statutes of Canada, section 179, says:

"Provided always, that the right of reply shall be always allowed to the Attorney or Solicitor General, as to any Queen's Counsel, acting on behalf of the Crown."

Can there be a more explicit recognition of the principle I sustain? Now, how extraordinary it would be that the Attorney General would have the obligation, by statute as well as by the common law, to attend to the administration of the criminal law, would have, in virtue of the same authorities, the authority of delegating his powers, but that he could not choose whom he would please, and that he would have to wait upon the good-will of an alien Government to appoint his representatives Queen's Counsel, so as to give them the right of reply in the public interest?

[To be continued.]

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, March 22.

Judicial Abandonments.

Evariste Drouin, grocer, Quebec, March 20.

Laurent Justinien Pelletier, doing business as Jos. Pelletier & Cie., dry goods merchant, Montreal, March 18.

Anthime Robert and Julien Allard, doing business as "Anthime Robert," traders and farmers, Upton, March 15.

Edouard St. Cyr, trader, parish of Ste. Clotilde de Horton, March 14.

Curators appointed.

Re Charles G. Davies.—J. Y. Welch, Quebec, curator, March 18.

Re W. A. Douglas, trader, Chalboro.—W. J. Simpson, Lachute, curator, March 17.

Re J. B. Durocher, Montreal.—C. Desmarteau, Montreal, curator, March 8.

Re Edward P. Earle (absentee), (Earle Bros.).—T. Gauthier, Montreal, curator, March 15.

Re Jos. Gagné, trader, St. George, Beauce.—H. A. Bedard, Quebec, curator, March 18.

Re Adélard Lafontaine.—M. Crepeau, St. Félix de Valois, curator, March 17.

Re C. O. Lamontagne, Montreal.—A. L. Kent and G. de Serres, Montreal, joint curator, Feb. 20.

Re Massé & Mathieu, Montreal.—Kent & Turcotte, Montreal, joint curator, March 15.

Re E. A. Panet & Co.—D. Arcand, Quebec, curator, March 15.

Re Joseph Pelletier, Montreal.—Kent & Turcotte, Montreal, joint curator, March 20.

Re E. St. Amour et al.—C. Desmarteau, Montreal, curator, March 19.

Dividends.

Re Joseph Dagenais, Montreal.—Dividend, payable April 10, Kent & Turcotte, Montreal, joint curator.

Re John Farnan, Montreal.—First and final dividend, payable April 7, M. B. Smith, Montreal, curator.

Re C. G. Glass, Montreal.—First dividend, payable April 8, W. A. Caldwell, Montreal, curator.

Re Labonté, frère, St. Thérèse.—First and final dividend, payable March 28, Bilodeau & Renaud, Montreal, curator.

Re Joseph Leclerc, Montreal.—First and final dividend, payable April 9, W. A. Caldwell, Montreal, curator.

Re A. Paradis & Co., Quebec.—First and final dividend, payable April 3, D. Arcand, Quebec, curator.

Re Almando Parker et al.—First and final dividend, payable April 9, Millier & Griffith, Sherbrooke, joint curator.

Re Théodore Pouliot, currier, Quebec.—First and final dividend, payable April 9, N. Fortier, Quebec, curator.

Re Sinai Prevost, Montreal.—First and final dividend, payable April 10, Kent & Turcotte, Montreal, joint curator.

Re Abraham Simard, Thetford Mines.—First and final dividend, payable April 6, Aug. Quesnel, Arthabaskaville, curator.

Re St. Lawrence Warehouse Dock & Wharfage Co.—First and final dividend, payable April 9, J. Adam, South Quebec, curator.

Re Z. Turcotte, Pierreville.—Dividend, payable April 10, Kent & Turcotte, Montreal, joint curator.

Separation as to property.

Emelie Bernier vs. Louis Léon Ferland, cabinet maker, Montreal, March 14.

Olivine Charbonneau vs. Vilbon Huot, farmer, township of Granby, March 19.

Sophranie Dudevoir vs. Joseph Desmarais, Montreal, March 10.

Anathalie Rancourt vs. Jérémie Bessette, Montreal, March 1.