

The Legal News.

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The *Gazette du Palais* (Paris) mentions the following interesting question relative to the administration of the *serment judiciaire*, which arose before the Tribunal civil d'Agen : "Deux religieuses carmélites de la ville se virent intenté un procès par M. B. . . , négociant, au sujet d'une bande de terrain dont les deux parties se contestaient la propriété. Il ne s'agissait, pour que ces dames eussent gain de cause, que d'affirmer par serment leur droit de possession ; or, d'après les prescriptions du Code de procédure civile, ce serment devait être prêté en audience publique, à la barre du Tribunal. Mais les deux carmélites, invoquant la rigoureuse claustration imposée à leur Ordre, demandaient à prêter le serment à l'intérieur même du couvent. Leur avocat, M. de Grousson, exposa que la jurisprudence française n'avait jamais eu l'occasion de se prononcer sur ce point, mais que les quakers, à qui leurs croyances interdisent toute espèce de serment, ont souvent obtenu raison des Cours anglaises et américaines. Le Tribunal civil ne tint aucun compte de cette assimilation, et son jugement, confirmé par arrêt de la Cour d'appel, condamna les religieuses à prêter le serment exigé par le Code. Grand embarras pour les carmélites qui, après de longues hésitations, obtinrent des dispenses en cour de Rome et purent ainsi obéir à la loi, sans enfreindre les règles de leur congrégation."

In the present issue will be found an article upon the revision of the statutes, contributed by Mr. G. W. Wicksteed, who, we think, is the senior Q. C. of this Province. Mr. Wicksteed was himself on the first revision, for Lower Canada only, with Mr. Buchanan and the Hon. H. Henry.—Mr. (now Justice) Johnson being the secretary of the Commission. Mr. Wicksteed was also a member of the second Commission, for the Province of Canada, with five confrères from Lower Canada and six from Upper Canada.

It may be observed that in a third volume of the present Revision (still in the hands of the printer), it is intended to insert the articles of our Civil Code which relate to matters subject to the exclusive jurisdiction of Canada, together with certain Acts of Quebec and other Provinces, which for various reasons the Commissioners did not think proper to include in volumes I and II.

On the 6th of May, in the English House of Commons, the Attorney General made a statement on a question which has frequently arisen in the course of investigations by coroners. He said : " It has been a subject of controversy whether a coroner's inquest ought necessarily to be a public proceeding, but the weight of authority seems to be decidedly in favour of the view that a coroner has an absolute discretion to exclude whom he will. There is no statute regulating the practice on coroners' inquests as far as regards the presence of reporters."

The vacancy in the Superior Court referred to last week, and which has existed since January 2, is to be filled by the appointment of Mr. C. P. Davidson, Q.C., who, for some years, with Mr. Ouimet, Q.C., has conducted the Crown business in Montreal. Mr. Davidson's reputation as a sound and painstaking lawyer is well established, and he is young enough to look forward to a long career on the bench. We fail to see any satisfactory reason why the appointment should not have been made five months ago.

SUPERIOR COURT—MONTREAL.*

Action de \$100 à \$200—Exception à la forme—Dépôt—Délai d'assignation.

Jugé, 1. Que dans les causes de la Cour Supérieure, depuis \$100 à \$200, le dépôt qui doit accompagner une exception à la forme est de \$4 seulement.

2. Que dans une action à la Cour Supérieure de \$100 à \$200, le délai d'assignation est de dix jours, sinon l'action peut être renvoyée sur exception à la forme, sauf à se pourvoir.—*Bruchési v. Denis, Mathieu, J., 20 avril 1887.*

*To appear in Montreal Law Reports, 3 S. C.

Jurisdiction—Ordre par lettre d'expédier des marchandises—Cause d'action.

Jugé, Que dans le cas où un commerçant expédie des marchandises sur une commande contenant un ordre formel, le contrat est parfait par l'exécution qu'en fait le commerçant à qui la commande est adressée sans autre déclaration de sa part, et la cause d'action origine alors à l'endroit où le contrat a été exécuté.—*Gratton v. Brennan, Mathieu, J.*, 30 avril 1887.

COURT OF REVIEW.

QUEBEC, November 30, 1886.

Before CARON, ANDREWS, and LARUE, JJ.
FEE v. KILLETT.

Evidence—C. C. 1233.

HELD:—(Reversing the judgment of the Court below), that a covenant to sell and deliver hemlock-bark is a commercial matter, and can be proved by oral testimony, notwithstanding Article 1233 of the C. C.

The judgment of the Court is as follows:—

“Considering that the plaintiff has duly and legally proved the material allegations of his declaration, and more especially that about the 5th November, 1879, the defendant sold to the plaintiff the quantity of 300 cords of hemlock bark, for the price of \$4.75 per cord, and covenanted with the plaintiff to deliver the same to him during the course of the then ensuing winter, at any one of the Grand Trunk Railway stations of Acton, Danby, or Durham; and that, in pursuance of such covenant, the said defendant did deliver, to the said plaintiff, a portion of such bark, to-wit 10 cords thereof, but refused to deliver the rest of such bark to the plaintiff, and sold and delivered the rest of such bark to one Goodhue at \$5.50 per cord: and that, by the non-delivery of such bark, the said plaintiff suffered a damage of at least \$225;

“Considering, therefore, that there is error in the judgment rendered at Arthabaskaville, on the 21st of May, 1886, dismissing the plaintiff's action, the said judgment is hereby reversed, and the said defendant is hereby condemned to pay to the said plain-

tiff, for such damages, \$225, interest and costs of both courts.”

Laurier & Lavergne, for plaintiff.
Crépeau & Côté, for defendant.
(J. O'R.)

COUR SUPÉRIEURE.

MALBAIE (SAGUENAY), 2 sept. 1884.

[EN CHAMBRE.]

Coram ROUTHIER, J.

McNICHOLL et vir v. LABERGE, et LABERGE, intervenante.

Honoraires d'avocats—Action renvoyée sur défense en droit.

JUGÉ:—*Que dans une action déboutée sur défense en droit, l'honoraire des procureurs est le même que si l'action est soumise après preuve et audition finale au mérite.* (Item 10 du tarif de C. S.)

Taxation du Mémoire accordant \$50.00 d'honoraires au procureur de l'intervenante maintenue.

J. S. Perrault, procureur des demandeurs.
Charles Angers, procureur de l'intervenante.
(C. A.)

COUR DE CIRCUIT.

MALBAIE, 3 sept. 1885.

Coram ROUTHIER, J.

BOUCHARD v. CHARETTE.

Action—Père—Injures faites à fille mineure.

JUGÉ:—*Que le père peut, en son nom personnel, poursuivre pour injures faites à sa fille mineure.*

Action de \$50.00 basée sur ce que le défendeur avait souffleté la fille mineure du demandeur. Allégué spécial que le demandeur avait souffert dans sa sensibilité, ses sentiments, etc., des dommages au montant réclamé.

Le défendeur plaida défense en fait, et en droit que le demandeur ne pouvait poursuivre personnellement, et qu'il aurait dû se faire nommer tuteur.

Sur preuve des faits ci-dessus, l'action fut maintenue pour \$10.00, avec dépens.

Autorités citées par le demandeur : Daireau, traité des injures, p. 68 et seq. et p. 408 et seq.; 15 L. C. R., p. 102. Un père peut maintenir une action en dommages pour injures faites à son enfant mineure, s'il est en conséquence privé de ses services ou souffre autrement des dommages.

Charles Angers, procureur du demandeur.

J. S. Perrault, procureur du défendeur.

(C. A.)

COUR DE CIRCUIT.

MALBAIE (SAGUENAY), 4 novembre 1885.

Coram ROUTHIER, J.

LABERGE v. BOUCHARD, et CHARETTE, tiers saisi, et BOUCHARD, contestant.

Dommages—Saisissabilité.

JUGÉ :—*Que les dommages accordés comme réparation civile dans une action d'injure parce que le défendeur aurait souffleté la fille mineure du demandeur, sont insaisissables.*

Saisie renvoyée avec dépens.

J. S. Perrault, procureur du demandeur saisissant.

Charles Angers, procureur du défendeur contestant.

(C. A.)

THE REVISED STATUTES OF CANADA.

The revision and consolidation of the Statutes of Canada having been completed by the incorporation therein of the Acts passed in the session of 1886, and brought into force on, from and after the first day of March, 1887, by proclamation of His Excellency the Governor-General, issued on the 24th of January last, under the Act 49 Vict., ch. 4, as "The Revised Statutes of Canada," and being printed and distributed in English, in two volumes containing 185 Acts or chapters, in 2,246 pages, with a table of contents, a general index, and an index to chapters appended to each volume, some account of the revision will be interesting and useful to the readers of the *Legal News*, the revisers having prefixed no preface or introduction to their work.

The Commission for the revision was issued in June, 1883, to the following Commissioners, viz:—Sir Alexander Campbell, K.C. M.C., Minister of Justice; James Cockburn, of Ottawa, Q.C.; Joseph Alphonse Ouimet, of Montreal, Barrister; Wallace Graham, of Halifax, Q.C.; George Wheelock Burbidge, of Ottawa, Barrister and representative of the Minister of Justice; Alexander Ferguson, of Ottawa, Barrister, and William Wilson, of Ottawa, Assistant Law Clerk to the House of Commons of Canada.

Mr. Cockburn died before, or soon after this commission issued, having done some preparatory work only; the other six gentlemen made the report of the commission on the 31st December, 1884.

After the formal opening, the commission reads as follows :—

Whereas, it having become necessary to revise and consolidate the Statutes of Canada,

And whereas each of the Provinces of Canada before Confederation possessed legislative authority over, and passed laws with respect to matters now within the exclusive legislative control of the Parliament of Canada,

And whereas, the British North America Act, 1867, continued these laws in force until repealed or altered by the Parliament of Canada, some of which have been so repealed or altered, some remain still the laws of the Province in which they were enacted, some are local in their nature, not being capable of being extended to the whole of our Dominion of Canada, while others might properly be extended to the whole or other parts of Canada, and it is probable that some should be entirely repealed;

And whereas, certain schedules of Acts requiring examination having been previously prepared, we deemed it necessary that further examination, collection and classification of the several Statutes of Canada should be made, preliminary to the proper revision and consolidation thereof, and for the purposes aforesaid did cause a commission under the Great Seal of Canada to issue to the said James Cockburn, bearing date the 15th day of November, in the year of our Lord 1881, constituting and appointing him to be, from the 1st day of July then last past, our commissioner to complete the said Schedules already prepared, and to examine the Statutes passed by the Parliament of Canada since the first day of July, in the year of our Lord 1867, and to collect therefrom all those enactments which are still in force, and to note the enactments of the Old Provincial Statutes which have been repealed or altered; also to classify all unrepealed enactments according to subjects, care being taken to distinguish those applying to one or more provinces only; and generally to make such examinations, classifications and collections of the said Statutes as might be necessary preliminary to the proper revision and consolidation thereof.

And whereas, We deem it advisable that the commission, which it was proposed to constitute after the preparatory work of consolidation as aforesaid had been completed, should be constituted without delay.

Now, therefore, know ye, etc., that reposing etc., by and with the advice of our Privy Council for Canada, etc., We do hereby constitute and appoint you the said (*names of Commissioners*) to be our commissioners to consolidate and revise the Statutes of Canada.

To have and to hold, etc., the said office of, etc., with all powers, etc., during pleasure. And we do hereby appoint you, the said the Hon. Sir Alexander Campbell, to be chairman, and you, the said William Wilson, to be the secretary of this our commission, and hereby authorise and require you to report to our Privy Council for Canada from time to time as they may require, what may have been done by you in the premises, and to transmit to them all such tables, schedules, annotations, classifications, collections, revisions, and consolidations as may have been prepared.

In testimony, etc.

Dated 7th June, 1883.

On the 31st December, 1884, as aforesaid, the Commissioners made the following report:—

To His Excellency the Most Honourable the Marquess of Lansdowne, Governor-General of Canada, etc.

MAY IT PLEASE YOUR EXCELLENCY:—

The Commissioners appointed to consolidate and revise the Statutes of Canada, have now the honour to submit a draft of the work entrusted to them.

In preparing the several chapters, care has been taken to preserve uniformity of language throughout, to remove redundancies, and to arrange the provisions of the law in the most natural sequence. To effect this it has, in very many instances, been necessary to divide chapters, and divide and transpose sections. The Interpretation Act provides that the law shall be considered as always speaking, and for that reason the present tense has been used in the consolidation.

Among the Statutes of the several Provinces, passed previous to Confederation, there are certain Acts in respect to which doubts have arisen as to the authority with which the legislative power rests. There are also Acts, both among the Statutes above referred to and the Statutes of Canada, which it has not been considered advisable to consolidate, although their repeal is not recommended. These include Acts authorizing the raising of loans by Government, Acts of indemnity, Acts relating to specific localities less than a whole Province, and Acts of a temporary character. These Acts have been collected in a separate schedule.

Another class of provisions, which make violations of Acts within the legislative power of Provincial Legislatures indictable offences, and provide for their punishment, have also been collected in a separate schedule. It is suggested that provision should be made that these should be repealed in each instance, from the time when the punishment of the offence, by fine or imprisonment, is provided for by the proper Provincial Legislature.

A table is appended to each chapter, showing what Acts are proposed to be consolidated therein, the por-

tion consolidated, the portion which it is proposed to repeal, the portion to be consolidated elsewhere, and a note of the Act with which such latter portion is to be incorporated, and to each section is attached a reference, showing the corresponding Act and section of the Statutes now in force.

When material changes have been found necessary, a note in smaller type has been inserted, showing the nature of the change, or the new matter is printed in italics.

Ottawa, 31st December, 1884.

This report, with the draft of the work therein mentioned, was laid by order of His Excellency the Governor-General, before both Houses of the Parliament of Canada, and by them referred to a Joint Committee of the Senate and House of Commons, of which the Minister of Justice was chairman, and examined and reported by the said Committee with certain amendments.

These amendments were attended to by the Commissioners in their final Report made in the following year. They will be found in the Minutes of Proceedings of the Senate of Monday, 6th July, 1885, with the report of the Committee. They relate mainly to changes made, not in the substance, but in the expression of the law, to render it clearer and to better ensure the accomplishment of its intent. They extend to the Schedule A annexed, providing for the repeal of certain Provincial enactments; and their most striking effect is to reject the suggested repeal of enactments respecting the observance of the Lord's Day. The report of the Committee contains the following passages: "The Committee have carefully examined the consolidation and revision submitted to them." "Without retracing the whole labour of the Commissioners in preparing the draft of the proposed consolidation and revision, it was impossible for the Committee to compare with the original each of the sections represented to be transcripts of sections now in force, to verify absolutely the completeness of the consolidation, or to ascertain beyond doubt that no statutory provisions have been omitted or repealed provisions included. The time at the disposal of the Committee did not allow more than a general examination and the application of tests to ascertain the character of the work in these respects. In the opinion of the Committee it has been well and carefully done."

"The chapters of the draft were apportioned among sub-committees, who made a careful examination, comparison and verification of all those sections of existing Statutes, which are noted in the draft as having undergone any changes in arrangement or language, as having been repealed, or in regard to which any change is suggested by the Commissioners."

"The general arrangement and execution of the proposed consolidation and revision are, in the opinion of the Committee, convenient and satisfactory."

The Commissioners having thus performed the work entrusted to them, Messrs. Wilson and Ferguson, who had been members thereof, with Mr. A. Power, of the Department of Justice, and a barrister of the Province of Nova Scotia; and Mr. J. G. Aylwin Creighton, a barrister of the Province of Quebec, the Law Clerk of the Senate, were instructed by the Government, after the close of the Session of 1885, to incorporate the Public General Acts of that Session with the reported work of the Commission, to superintend its translation into French, and generally to prepare it for publication.

The French version was prepared by Mr. Coursolles, chief French translator to the House of Commons, or under his immediate supervision.

It was found, however, that it would not be possible to have the work ready for publication before the commencement of the then next session: and on the 31st December, 1885, the gentlemen last named made the following report:—

To the Honourable the Minister of Justice of Canada:—
 SIR,—Pursuant to the instructions which we received from you, we have incorporated with the draft submitted by the Commissioners appointed to consolidate and revise the Statutes of Canada, such of the Acts passed during the last session of Parliament as appeared to be proper subjects for consolidation therewith, and also the amendments suggested in the report of the Joint Committee of the Senate and House of Commons appointed last session to consider that draft. In the execution of this work we have adhered closely to the system and rules adopted by the Commissioners in the performance of the duties assigned to them.

We have also carefully revised, and made the additions to the Schedules to the report, rendered necessary by the legislation of last session, and we have completed the chronological and analytical table, showing in what manner each Act of Canada, and of each of

the Provinces, which relate to matters within the control of Parliament, have been dealt with by the Commissioners and by ourselves.

We have also in course of preparation for publication, according to your instructions, a collection of all the statute law of a public general nature, relating to subjects within the legislative authority of the Parliament of Canada, now in force, but which in the opinion of the Commissioners could be more conveniently dealt with in this way than by consolidation.

Ottawa, 31st December, 1885.

This report was accompanied by a draft of the work in its then state, which was laid before Parliament, submitted to a Joint Committee of both Houses, and reported with amendments, and being approved by Parliament as so amended, the Act now 49 Vict. c. 4, was passed, authorizing the Governor-General to cause such Public General Acts of the Session as he should deem proper to be incorporated with it, and to bring it into force on and after such time as he should appoint.

The work as now published consists of one hundred and eighty-five Acts, each forming a chapter, on some subject within the exclusive jurisdiction of the Dominion Parliament; and printed separately with the Royal Arms and the imprint of the Queen's Printers, and from stereotype plates kept by him, so that he can furnish copies of any required Act or number of Acts, or the Acts relating to any subject or class of subjects can be taken out of the volumes and bound or stitched separately, a great convenience to professional men or officers of departments, or others, requiring to have the Statute Laws on any matter in a handy and portable form.

In this portion of their work the Commissioners have followed generally the order and lines of the Consolidated Statutes of the old Province of Canada, and of Upper and Lower Canada, and have indicated at the end of each section the sources from which it has been taken or derived, thus affording easy means of finding the date at which any provision became law, a facility not given in the Revised Statutes of the Maritime Provinces or British Columbia; and they have also here given effect to the provision in their commission empowering them to collect and classify Provincial enactments still in force on subjects under the exclusive jurisdiction of Parliament, by inserting such

enactments in the chapters on the matters to which they respectively relate, distinguishing them clearly as applying only to the Provinces by the Legislature whereof they were passed. When such Provincial enactments contain provisions of like effect with those of sections of the Revised Statutes, they are incorporated with them, and referred to as being so; otherwise, if they are intended to apply to the whole Dominion, they are made separate sections, and their origin indicated; but if, though they relate to the subject of the chapter, they are not so to apply, the Province or Provinces to which only they are to apply are indicated. Provincial enactments thus extended to a Province or Provinces to which they did not before apply, will, of course, be so extended only from the coming into force of the Revised Statutes (1st March, 1887). Many such Statutes are repealed, such appeal taking effect from the same date.

Schedule A, hereinafter mentioned, contains a list of all Acts so repealed, whether of the Dominion of Canada or of any of the Provinces thereof. The following chapters will be found to extend, or to act as extending, to the Dominion, or to set forth and declare as applicable only to a Province or Provinces named, enactments of Provincial Legislatures:—

Chap. 123. Bills of exchange and promissory notes.

Chap. 127. Interest.

Chap. 144. Application of criminal law of England to Ontario and British Columbia.

Chap. 147. Riots and unlawful assemblies.

Chap. 148. Improper use of weapons.

Chap. 152. Peace at public meetings.

Chap. 157. Offences against public morals and convenience.

Chap. 159. Lotteries and betting.

Chap. 161. Offences relating to the law of marriage.

Chap. 163. Libel.

Chap. 164. Larceny and similar offences.

Chap. 165. Forgery.

Chap. 168. Malicious injuries to property.

Chap. 173. Threats, intimidation, etc.

Chap. 174. Procedure in criminal cases.

Chap. 179. Recognizances.

Chap. 180. Fines and forfeitures.

Chap. 181. Punishments.

Chap. 183. Public and reformatory prisons.

After the chapters, Volume II. contains Schedule A:—"Acts and parts of Acts repealed, from the date of the coming into force of the Revised Statutes of Canada, so far as the said Acts and parts of Acts relate to matters within the legislative authority of the Parliament of Canada." Of the Consolidated Statutes of [the Province of] Canada, it repeals the whole or parts of 44 Acts; of the Consolidated Statutes for Upper Canada, 39; of the Consolidated Statutes for Lower Canada, 31; of the Acts of the late Province of Canada, 101; of the Acts of Nova Scotia (revised and since revision), 86; of the Statutes of New Brunswick (revised and since revision), 147; of the Revised Statutes of British Columbia, including those of the former colonies of Vancouver Island and British Columbia, 61; of the Statutes of Prince Edward Island (revised and since revision), 173 (all these being, of course, Statutes respecting matters now subject to the exclusive control of the Parliament of Canada, and passed before coming into force of the B. N. A. Act, 1867, after which no such Provincial Statute could be legally passed); and of public general Statutes of the Parliament of Canada, 612; making the total number of Statutes so repealed, in whole or in part, 1294.

Schedule B:—"Acts and parts of Acts of a public general nature, which affect Canada, and have relation to matters not within the legislative authority of Parliament, or in respect to which the power of legislation is doubtful, or has been doubted, and which have in consequence not been consolidated; and also Acts of a public general nature, which for other reasons have not been considered proper Acts to be consolidated." In this table, the portion of each Act as to which the Commissioners entertained the doubts mentioned is given in the outer column, and the subject of the Act is shown by the title given in the centre column, except as to the Act 29 Vict. (1865, 2nd session) of the Statutes of the late Province of Canada, as to which the outer column indicates only the numbers of the Articles of the Civil Code of Lower Canada brought into force by procla-

mation under the said Act, which the Commissioners, for reasons other than those mentioned in the heading to the said Schedule B, have not considered proper Acts to be consolidated. It may be useful to mention here the subjects of said Articles, which are as follows :

Arts. 12 to 21. Interpretation of laws and terms used in them.

Art. 23. Status of alien woman married to British subject.

Pars. 6, 7 of Art. 36. Legal effect of civil death.

Art. 108. Legal presumptions of death from absence.

Arts. 115 to 127. Qualities and conditions necessary for contracting marriage.

Arts. 133 to 156. Opposition to marriage on grounds of nullity.

Arts. 185, 206. Dissolution of marriage. Separation from bed and board.

Art. 367. Corporations not to carry on business unless authorized to do so.

Art. 369, Par. 2. How only corporations can be dissolved.

Arts. 400, 402, 403. Public roads, gates and walls of fortifications.

Art. 803. Gifts by insolvents.

Art. 1569. Sale of registered ships. 1573. Sale of notes, checks, etc.

Arts. 1676, 1678, 1679, 1681, 1682. Common carriers.

Arts. 1785, 1786. Loans on interest.

Art. 1886. Claims of special partners in bankruptcy cases.

Art. 1989. Privileged claims of Crown. 1998, 1999. Do. of vendors.

Art. 2007. Claims on ships and cargoes and freight.

Art. 2022. What moveables are susceptible of hypothecation.

Art. 2032. Legal hypothec of the Crown.

Art. 2090. Hypothecs created within thirty days before bankruptcy.

Art. 2151. Form of consent to discharge of hypothecs by Crown, etc.

Arts. 2211 to 2216. Prescription, and rights not prescriptible.

Arts. 2279 to 2354. Bills, notes and cheques.

Arts. 2355, 2356, 2359, 2361, 2362, 2373, 2374. Merchant shipping.

Arts. 2383 to 2403. Privileges and liens on vessels, cargo and freight.

Arts. 2406 to 2462. Affreightment of ships.

Arts. 2464 to 2467. Passengers in ships.

Arts. 2582 to 2558. Contribution by average in case of loss. 2560 to 2567. The same.

Arts. 2594 to 2612. Bottomry and respondentia.

All the Acts and parts of Acts, or of the Code, mentioned in Schedule B will be found in a third volume, prepared by the Commissioners and in the hands of the printer, but not yet ready for distribution.

The articles respecting bills and notes are referred to by the Commissioners in a note on chapter 123, p. 1655. All the articles above mentioned are unquestionably law in the Province of Quebec, and those on bills and notes and shipping are more especially interesting to commercial men, as rights may exist or be affected by them or under them in any Province. The articles of the code relating to shipping have been largely amended by the Dominion Acts, 36 Vict. chaps. 128, 129. The articles respecting bills and notes are referred to in chap. 123, but none of the articles of the code or of the Acts and parts of Acts in Schedule B have been printed in Volumes I. and II., the insertion of Provincial enactments being confined to such as it was thought right to incorporate in the Revised Acts (and so extend to the whole Dominion) or such as related directly to the subject of any chapter, and could therefore be conveniently printed with it, though distinguished as applying only to one or more named Provinces. But Schedule B is a most important portion of the revision, as indicating the Provincial enactments, including those of the Code, on subjects under the exclusive legislative authority of the Dominion Parliament, and therefore demanding the most attentive consideration in any attempt to make the law of Canada uniform on any such subject. The Civil Code, more especially, is deserving of attention as having been framed by a Commission composed of a Chief Justice and Judges, who gave their whole time to the work for several years, with most able secretaries and assistants, and the authorities relied on are stated at the end of each article. The fourth book

relates entirely to commercial law, and the authorities cited are from the best English as well as French authors. This book, and indeed the whole Code, is well worth the attention and study of lawyers of the other Provinces of the Dominion, and yet more especially of legislators who wish to make the law uniform throughout Canada, as in commercial cases, at any rate, it ought certainly to be.

Schedule C, appended to Vol. II., contains a list of "Acts and parts of Acts repealed, so far as they constitute indictable offences, from and after a day when the proper Legislature makes provision for the punishment of the offence by fine or imprisonment or by both, under the British North America Act, 1867." This Schedule is founded on sub-section 15 of the 92nd section of the B.N.A. Act.

There are also appended to Vol. II.: "A Table of Acts passed prior to Confederation by the different Provinces now comprised in the Dominion of Canada, and of Acts of the Dominion of Canada, showing how much of each is in force, and how each has been dealt with;" and "A Table of Acts and parts of Acts consolidated, showing where each section, or part of a section, is consolidated." These two schedules embody a full and detailed account of the work done by the Commissioners, and enable the reader to judge of the care and labour bestowed upon it; and with the tables we have mentioned, and the full and detailed index repeated in each volume, afford every facility for using the work and testing its correctness; and though we have not been able to give to the examination of their work the time which the Joint Committees of the Senate and House of Commons were able to bestow upon it, yet we have given it no slight attention and consideration, and feel safe in saying with that Committee that "it has been well and carefully done." W.

HOW TO GET OUT OF A STEAMSHIP BERTH.—A variety of opinion appears to prevail among Her Majesty's judges, as evidenced by the case of *Andrew v. Little*, upon the grave question how to get out of a berth at sea. Mr. Justice Grove appears to think that one must get out anyhow, because he proposed to nonsuit a lady who complained that she was allowed only a chair to step upon. The Master of the Rolls and Mr. Justice Day appear to think that the right way to get

out is front foremost, while a learned judge, who is ex-president of the Alpine Club, and ought to know, declared that he should have hesitated long before deciding whether to get out forwards or backwards when the ship was rolling. The jury were for the lady, who had stepped out forwards on the top rail of a chair which the stewardess had put for her, and had fallen and hurt herself. The prevalent opinion on the bench shows how civilisation has blunted the prehensile faculty in man. We venture to say that there is not an omnibus conductor in London who will not affirm confidently that the right way to come down from the top of an omnibus is with the face inwards, and they have not abandoned this view since the very general substitution of a staircase for a ladder. The attitude is not dignified, and would be inadmissible on the Matterhorn, where the eyes have to be used; but it is favoured by arboreal apes, the schoolboy climbing trees and the hodman carrying loads. Whether a lady whose mode of leaving her berth is by stepping forwards on the top rail of a chair is entitled to recover damages from the owners of the steamboat, is one of those great questions which, like Mr. Jackson's thumb, seem specially reserved for the consideration of the House of Lords. It will then be for the Lords to say whether placing a chair beside a berth for a lady to step on is evidence of negligence proper to be left to a jury.—*Law Journal*.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, June 4.

Judicial Abandonments.

Napoléon Fauteux, St. Hyacinthe, May 27.

Joseph Parent, Quebec, May 5.

Andrew B. Sommerville, trader, Kinnear's Mills, May 31.

Curators Appointed.

Re Nathaniel Chaffee, hotel keeper, Montreal.—F. Jacobi, Montreal, curator, June 1.

Re Arline Filteau (Mrs. J. A. Thérien), Three Rivers.—Kent & Turcotte, Montreal, curator, May 31.

Re Elie Dufresne, St. Barthelemy.—Kent & Turcotte, Montreal, curator, June 1.

Re Fournier & Guertin, Danville.—Kent & Turcotte, Montreal, curator, May 31.

Re George Washington Murray, Montreal.—C. Desmarreau, Montreal, curator, June 2.

Re Elie Dufresne, St. Barthelemy.—Kent & Turcotte, Montreal, curator.

Dividends.

Re André Bourque, St. Clet.—Final dividend, payable June 25, Kent & Turcotte, Montreal, curator.

Re George Dache, St. Matthias.—Dividend, payable June 25, Kent & Turcotte, Montreal, curator.

Re C. E. Dion & Co., Tingwick.—First and final dividend, payable June 14, H. A. Bedard, Quebec, curator.

Re Melodie Leclaire (A. Amyot & Cie.), Berthierville.—First and final dividend, Henry Ward, Montreal, curator.

Re Olivier Lefebvre.—First and final dividend, payable June 20, J. O. Dion, St. Hyacinthe, curator.

Re Thomas Lavoie.—First and final dividend, payable June 15, L. N. Paquet, Rivière du Loup Station, curator.

Re L. O. Paradis, Sorel.—Dividend, payable June 25, Kent & Turcotte, Montreal, curator.

Re Eutrope Rousseau, Quebec.—First and final dividend, payable June 14, H. A. Bedard, Quebec, curator.

Re M. R. Spinelli, Montreal.—First and final dividend, payable June 25, Kent & Turcotte, Montreal, curator.

APPOINTMENTS.

L. W. Sicotte, Montreal, advocate, to be Clerk of the Crown, and Clerk of the Peace and Sessions of the Peace, for the district of Montreal.