THE LEGAL NEWS.

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The Legal News.

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The Judicial Committee loses one of its active members in the Right Hon. Robert P. Collier, Baron Monkswell, who died Oct. 27, aged 69. Lord Monkswell sat in a great many appeals from Canada, and was favorably known to the bar as a painstaking and accomplished judge. A notice of his career will be found in the present issue.

The bar of the Quebec section have also held a meeting with reference to the compulsory assessment for an official law report, and have passed a resolution disapproving of it. The meeting went further, and found fault with the regulations allowing a salary to the Secretary-Treasurer of the General Council, and fees to the examiners,—work which formerly was performed gratuitously. In the face of the general opposition to the proposed reports, it is understood that the scheme will not be pressed.

No fable seems to be too silly or incredible to find its way into print now-a-days, though the persons who reproduce such inventions must be perfectly aware of their extreme improbability, to say the least. One of the latest stories in circulation is to the effect that a learned judge of the Superior Court refused to permit an English witness to give his testimony in his own language, and the name of the judge was actually appended to this utter absurdity.

The Supreme Court of the United States manages to get through about 400 cases per annum, and at present has work for three years ahead. It is satisfactory, however, to learn that neither the toils of the past nor those in prospect, have reduced the learned judges to a lean and dyspeptic condition. In a note referring to the formal visit which they made to the President, at the opening of their annual session, it is said: "The justices are all large men. Almost any one would attract attention by his great size and appearance; and consequently, when the court drove up to the executive mansion and filed into the blue room, they were the observed of all observers. The attorney-general was with them, and he too is a good sized man. When the President joined the group in the blue room the party of big men was complete. The judges did not remain long. They simply paid their respects and drove off again to the capitol."

Judge Taft, of the Vermont Supreme Court, in a paper on "English Law and its Early Books," says: "The first book of English law known to have been printed was an abridgment of the ancient law in Norman French, by Nicholas Statham, Baron of the Exchequer in 1468. It was printed, as is supposed, between the year 1470 and 1490. As is usual with those early books, there is no date, no title page, and no paging, and the author's name does not anywhere appear. It contains many original authorities which are not extant in the year books of those days. In the century after the year 1500 there were many law treatises published, among them the abridgment of Fitzherbert, his Natura Brevium; 'The Doctor and Student,' by St. Germain; Terms De La Ley, by Rastelle; 'The Boke for a Justyce of Peace;' 'The manner of Kepynge a Court Baron and a Lete;' and the Carta Feodi, a book of precedents of feoffments. During the same century there were several volumes of the year books printed, and the reports of Plowden, Brooke, Bellewe and Dyer. The united number of printed volumes of decisions of the English Courts in 1645 can be seen from the comments of the 'Legal Bibliography' upon the paper read by Senator Hoar, before the American Antiquarian Society, in which he states there were but fourteen. In commenting upon this statement it is shown that there were twenty-eight volumes of reports then in existence. But to make this number each part of Coke's reports must be treated as a separate volume. Happy year 1280, when two volumes contained all the law that was known. Happy 1645, when all the law reports might be

packed in a small travelling trunk. Soule's Reference Manual, published in 1883, gives nearly seven thousand volumes of reports of cases of English law, Africa and the islands of the distant seas furnishing their contingent, with several thousand volumes of elementary treatises."

THE LATE LORD MONKSWELL.

THE world has hardly had time to become familiar with the identity of Lord Monkswell with Sir Robert Collier when the first bearer of the title passes into history. How the name came to be adopted, when last year it formed one of a batch of Mr. Gladstone's creations, caused some curiosity. The titles of lawyers are sometimes suggested by pure sentiment, as in the case of Lord Lyndhurst, who took the name of the place where he first met his wife, or Lord Chelmsford, who chose the place where he had his first brief, and the territorial connection is generally very slight. Irreverent persons suggested that some one had merely invented a pretty name, but the name was, in fact, taken from a small farm in Devonshire. An amusing *contretemps* happened on Sir Robert's assumption of the title. The farm had belonged to him, but he had sold it. The purchaser was a simple West-country farmer, who was considerably put out when he heard that Sir Robert was now Lord Monkswell. Whether he supposed that his title to the freehold might be affected, or that he had bought the name and all the uses to which it could be put, as well as the land, it is certain that he went to his lawyer at Plymouth in great alarm and asked if nothing could be done to protect his interests. Vice-Chancellor Malins once issued an injunction against a man who, to the confusion of the postman, had adopted for his house a name very like that of his neighbour's house; but the Vice-Chancellor was no more, and we believe that the countryman's lawyer was unable to advise that even a *quo warranto*, petition of right, or any other great constitutional engine could effectually be put in motion to prevent a successful lawyer choosing what title he liked.

Collier was rather a man of varied accomplishments than concentrated talent. He was an excellent billiard player, an artist of taste and skill, and a sound and painstaking lawyer. He had a turn for politics, which, combined with local influence, stood him in good stead in his career. His family belonged to the class of prosperous provincial business men; and his father, having been returned for Plymouth at the General Election after the first Reform Act, was a member of the House of Commons for ten years. Robert Collier was educated at the Plymouth Grammar School, went to Trinity College, Cambridge, passing out of the University without distinction, was called to the bar and joined the Western Circuit. His influence in these parts brought him briefs, and his steadiness of application and practical knowledge brought him more. He was accounted an admirable junior, and was one of the few of that class who disappoint the prognostications of their friends that they will fail as Queen's Counsel. In fact he did not take this important step until he had made the ground firm by obtaining a seat in Parliament, a goal to which he had looked forward from the beginning. Immediately after he had taken his degree, and while yet a law student, he had made an attempt on the borough of Launceston, but in 1852 he gained the Plymouth seat, which he retained until his elevation to the bench. A year or so after his return to Parliament he took silk. The period was intermediate on the circuit between the brilliant era of Cockburn and Crowder and the almost equally brilliant time of Coleridge and Karslake. Crowder had just been elevated to the Common Pleas, and Cockburn had been Solicitor-General for some years, and had left the circuit. Karslake and Coleridge were still juniors. Montague Smith had been a Queen's Counsel about a year, and he found Collier a very formidable antagonist. Every weapon within his reach was employed by Collier. As Montague Smith said of him years afterwards: "Collier did not care how he hit or where he hit, so long as he hit hard enough." The feelings engendered by the daily opposition of two leaders on a small circuit are apt to produce a strained situation, but it is well to know that the two opponents afterwards sat side by side for fourteen years in the Privy

Council, the hatchet having been deeply buried. It was in the robes of Sir Montague Smith, hallowed by five years' wear, that Sir Robert Collier acquired that two days' experience as a judge which Lord Hatherley considered sufficient qualification for the Privy Council, but which was generally pronounced too magically rapid. Honours fell on Collier in quick succession. He was Recorder of Penzance, Counsel to the Admiralty and Judge Advocate of the Fleet, Solicitor General, and Attorney-General. As Attorney General he accepted the best office of profit on his circuit, that is the Recordership of Bristol, but this form of pluralism was not countenanced either by the circuit or his constituents, and he resigned it only by a further stroke of good luck to be made a judge of the Common Pleas and a member of the Judicial Committee in startling succession. The condemnation by lawyers of both sides which this manœuvre provoked is matter of general history.

Sir Robert Collier might have said 'Post me, diluvium,' because his appointment to the Privy Council and the cynical defence of it by his colleagues largely contributed to the ultimate fall of the Government, but he himself was safe, as the appointment was, however questionable in policy and morals, undoubtedly legal. He took his seat with Sir Montague Smith, Sir James Colvile, and Sir Barnes Peacock, who formed the paid members of the Judicial Committee under the Act so recently passed and so easily violated. It was one of the commonplaces of the controversy that on his merits the appointment of Sir Robert Collier was unobjectionable, and the experience of sixteen years proved the truth of this assumption. The atmosphere of the Judicial Commiitee, with its formal and apparently unanimous judgment, is not such as to encourage the exhibition of judicial greatness. The member of the Committee responsible for the literary form of the judgment is generally entrusted with the task of reading it, and in this way much of Sir Robert Collier's work has found its way into the Reports. But the colonies do not often send us burning questions of law. Sir Robert's judgments were generally concerned in such things as the application of a Crown Lands Act to Murrumbudgee, New South Wales, or other remote place, or the elucidation of a Bankruptcy Ordinance of Hong Kong. If he could have chosen his legal subjects as he chose the subjects of his pencil, the result might have been happier. He found a constant source of artistic inspiration in the Rosenlaui Glacier, in the neighbourhood of which he often passed a part of the Long Vacation. Of late years he has frequently sat with Lord Blackburn, whose judgment, together with his own and that of the rest of the Committee, he has delivered. He was gradually deprived of his colleagues, whose vacant places were not filled up. Sir James Colvile died in 1880, and Sir Montague Smith resigned in 1882. Lord Fitzgerald was appointed as a Lord of Appeal to fill the gap, but the death of Lord Monkswell will not be followed by a fresh appointment. Sir Barnes Peacock remains the last of his class, and on him, with the assistance of the Lords of Appeal from time to time, and of Sir Richard Couch and Lord Hobhouse, falls the burden of the Privy Council jurisdiction. With him the last of the four judges of whom Lord Monkswell was one will disappear, and in their place will be four Lords of Appeal in Ordinary taking their turn in the House of Lords and the Judicial Committee as occasion may require. Lord Monkswell is an example how hard work, good talents, and a capacity for taking advantage of every opening, will make a judge who, if he does not add lustre to the bench, plays excellently well the part of supporting it.—*Law Journal* (London).

COURT OF REVIEW.

QUEBEC, April 30, 1883.

Before CASAULT, CARON, ALLEYN, JJ.

GUILLET v. L'HEUREUX, and LAMARCHE et al., T. S.

Jurisdiction — Contestation of garnishee's declaration.

The defendant, a merchant, residing at Ste-Geneviève de Batiscan, became financially embarrassed; on the 23rd September, 1882, at Montreal, he made a voluntary notarial assignment of all his estate to the two gar-

nishees. The garnishees entered into possession of his assets and realized, from the sale of such assets, $2,200.71. *The defendant's pretensions are that they sacrificed his assets: he claims that they sold, to one Alphonse Turcotte, for* $1,690, *his stock in trade, which was worth* $2,825.42; *and that, to the same person, they sold for* $500: (1) *A building lot with a dwelling and a store upon it.* (2) *A hypothecary debt for* $182. (3) *Promissory notes, to the amount of* $718.20.

The plaintiff in this case, a creditor of the defendant, for $185, *became dissatisfied with the trustees' management of the defendant's estate, sued the defendant, in the Circuit Court, at Three Rivers, for that sum and, on the defendant's confession, obtained judgment. The plaintiff then placed, in the hands of the trustees, a garnishment-seizure.*

The garnishees separately, on oath, made declarations, identical in their terms; the plaintiff in this case contested the declaration of each of the garnishees. Issue having been joined on the contestations, the parties proceeded to proof and hearing; and, upon the 8th February, 1883, *the Circuit Court dismissed the present plaintiff's contestations of those declarations and adjudged that the trustees, as garnishees, had rendered a satisfactory judicial account of their management of the defendant's estate.*

In the Court of Review in this case, it was

HELD:—1o. *That the Circuit Court had no jurisdiction in the subject matter of the litigation, since it involved an amount exceeding* $200; *and that, on that ground, the judgment should be reversed;*

2o. *That the plaintiff, having selected a tribunal without jurisdiction to try such contestations of the garnishees' declarations, involving an amount exceeding* $200, *should be condemned to pay the costs of such contestations;*

3o. *That, since the garnishees had not invoked, either in the Circuit Court or in Review, the question of jurisdiction, each party should be condemned to pay his own costs in review.*

The following is the text of the judgment:

"Considérant que la contestation de la déclaration d'un tiers-saisi est une instance spéciale, séparée et distincte, un procès, où le tiers-saisi devient partie et défendeur; et que le code de procédure et, avant lui, un statut spécial, en donnant pour les contestations de déclarations de tiers-saisis, au tribunal d'où a émané la saisie-arrêt, juridiction *ratione personae*, n'a pas étendu sa juridiction *ratione materiae;*

"Considérant que la demande formulée contre les tiers-saisis, par la contestation de leur déclaration, excède de beaucoup la juridiction de la Cour de Circuit, où elle a été faite; mais que les tiers-saisis n'ont invoqué ce moyen, ni en première instance, ni en révision, le jugement, prononcé le 8 février 1883, par la Cour de Circuit, siégeant dans et pour le district de Trois-Rivières, est infirmé et mis à néant, et les parties à la dite contestation des déclarations des tiers-saisis sont mises hors de cour, avec dépens en première instance contre le demandeur, chaque partie payant ses frais en révision."

L. P. Guillet for the plaintiff.
Ed. Gérin for the garnishees.
(J. O'F.)

SUPERIOR COURT.

AYLMER (district of Ottawa), Sept. 16, 1886.

Before WURTELE, J.

THOMPSON v. MARKS.

Judicial Hypothec.

Judicial hypothecs arising between the 31*st December,* 1841, *and* 1*st September,* 1860, *only affect such immoveable property as the judgment debtor possessed at the time when the judgment was rendered.*

PER CURIAM. The plaintiff sets up a judgment rendered on the 28th of January, 1856, against the defendant's author, and he prays that the property of the defendant described in the declaration be declared hypothecated by the judicial hypothec resulting from the above mentioned judgment.

With respect to judicial hypothecs, there are four periods, and during each of these periods a different rule governs. The first period extends to the 31st Dec. 1841, and judgments rendered during this period affect

all property held by the debtor at the time when such judgment was rendered or subsequently acquired by him. The second period extends from the 31st Dec. 1841, to the 1st of Sept. 1860, and judgments rendered during this period, affect only such property as the debtor possessed at the time when the judgment was rendered. The third period extends from the 1st of Sept. 1860, to the 1st of August, 1866, and judgments rendered during this period affect only such property as the debtor likewise possessed at the time when the judgment was rendered and which is described in a notice registered with the judgment. The fourth period commenced on the 1st of August, 1866, and any immoveable belonging to the debtor at the time of the registration of a judgment rendered since that day and of a notice describing such immoveable becomes affected by the judicial hypothec.

The rules governing this subject are to be found in sections 3, 47, and 48 of chapter 37 of the C. S. L. C., and in articles 2026, 2034, 2035, 2036 and 2121 of the C. C.

In the present case the judgment was rendered during the second period, and the property which it is sought to affect was only acquired by the judgment debtor on the 15th of May, 1856, nearly four months after the rendering of the judgment; it cannot therefore be affected by the judgment.

The judgment of the Court is as follows :—

"The Court, etc.

"Considering that the judgment, from which it is alleged that the judicial hypothec forming the basis of the action in this suit results, was rendered on the 28th of Jany. 1856, and that the judgment debtor only acquired the immoveable property which is the subject of the hypothecary action in this suit on the 15th of May, 1856, and that he only became possessed thereof on the last mentioned date;

"Considering that by law judicial hypothecs arising between the 31st of Dec. 1841, and the 1st of Sept., 1860, only affect such immoveable property as the judgment debtor possessed at the time when the judgment was rendered;

"Considering therefore, that the immoveable property described in the declaration was never affected by a judicial hypothec resulting from the judgment mentioned in the declaration and hereinabove referred to;

"Doth dismiss the action in this cause with costs."

Thos. P. Foran, for Plaintiff.

Henry Aylen, for Defendant.

CIRCUIT COURT.

HULL (district of Ottawa), Nov. 6, 1886.

Before WURTELE, J.

MONGEON v. CONSTANTINEAU.

Procedure—Judgment by default — Opposition — Proof.

When an opposition is filed to a judgment obtained by default upon the plaintiff's affidavit, the issue has to be tried, and evidence adduced, as it would have been if no judgment had been rendered.

PER CURIAM. The plaintiff brought suit on an account for goods sold and delivered, and took judgment on default upon his own affidavit.

The defendant has made an opposition to the judgment, by which he specially denies all indebtedness, and supports the same by his affidavit.

The plaintiff has answered that the defendant is indebted as stated in the declaration and detailed account, and that he had acknowledged his indebtedness.

The case has been inscribed for proof and hearing on the merits, and, without any proof having been made on either side, has been submitted after argument.

The plaintiff relies on his judgment and on the fact that the defendant had made no proof to impeach it.

It is an elementary principle that he who claims the performance of an obligation must prove it, and that testimony given by himself cannot avail in his favor. This rule of law is contained in articles 1203 and 1232 of the C. C.

As an exception to this rule, a plaintiff can obtain a judgment upon his own affidavit in the cases mentioned in article 91 of the C. C. P., but such a judgment does not always

finally terminate the suit in the Court in which it is brought. Under article 484 of the C. C. P., the defendant may seek relief against such a judgment by means of an opposition, and article 490 provides that the opposition is to be held to form part of the proceedings upon the original suit, and to be a defence to the action. The proceedings are then subject to the provisions concerning the contestation of ordinary suits.

It is only when no opposition is made within the delay specified that the allegations of the declaration are held, under article 493, to be admitted and proved, and that the judgment becomes a decisory and final one. When an opposition is produced, the issue has to be tried as it would have been if no judgment had been rendered. When the allegations of the declaration are denied, the plaintiff has to prove his case; and, on the other hand, when the opposition is in effect a peremptory exception, adducing facts in avoidance or extinction of the cause of action, the defendant must prove his allegations.

In the present case, the plaintiff has neglected to make any proof of the debt sought to be recovered, and the action must consequently be dismissed.

Action dismissed with costs, saving recourse.

A. McConnell, for plaintiff.
Rochon & Champagne, for defendant.

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*COURT OF QUEEN'S BENCH.—MONTREAL.**

Master and Servant—Death of Servant—Responsibility of Employer—Damages.

M., the husband of plaintiff, was employed by the defendant, master of a steamship, to assist in unmooring the steamship then lying at the wharf at Montreal, and about to put to sea. While M. was standing ready to cast off the stern hawser from the post to which it was fastened, the hawser snapped, and M. was fatally injured.

HELD—(Ramsay and Cross, JJ., diss.):—That the presumption was that the rope was insufficient for the purpose for which it was being used, or that the ship was unskilfully handled, and in either case, the master of the ship was responsible.—*Corner & Byrd*, Jan. 27, 1886.

Litigious Right—Sale of—C.C. 1582-1584.

HELD:—That C.C. 1584 § 4, which states that "the provisions of C. C. 1582 do not apply when the judgment of a court has been rendered affirming the right," refers to a judgment upon the particular demand in litigation, and not to a judgment affirming another right of a similar character.—Monk and Ramsay, JJ., diss.—*Brady & Stewart et al.*, March 22, 1886.

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*SUPERIOR COURT—MONTREAL.**

Railway Company—42 Vict. (D.) *ch.* 9, *s.* 9.—*Trespass—Injunction.*

HELD:—That the Court not only has jurisdiction to interfere to restrain a company from affecting a man's land by deviating from the exact limits prescribed by the statute which gives them authority, but is almost bound to interfere, and will, as a matter of course, interfere, unless the damage is so slight that no injury has arisen, or is likely to arise, or unless the injury, if any has arisen, is so small as to be hardly capable of being appreciated by damages, or unless the remedy by action of damages is adequate and sufficient, or is, under the circumstances of the case, the proper remedy, or unless the trespass is one merely of a temporary nature. So, where a Railway company commenced works on the lands of a person without obtaining a warrant of possession under the statute, *held*, that it was a proper case for an injunction.—*Everse et al.* v. *The North-West Railway Co.*, Torrance, J., Aug. 4, 1886.

Contrainte—Action between husband and wife.

HELD:—That an order for coercive imprisonment may be granted in an action for separation from bed and board.—*Gravel* v. *Lahoulière*, Torrance, J., Aug. 18, 1886.

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* To appear in Montreal Law Reports, 2 Q.B.

* To appear in Montreal Law Reports, 2, S. C.

Damages—Exposure to Contagious Disease.

HELD:— That a person who knowingly permits the child of another to be exposed to infection from a contagious disease (smallpox) existing in her house, is responsible for the loss and damages thereby occasioned to the father of the child.—*Gelineau* v. *Brossard*, Torrance, J., June 26, 1886.

Will—Usufruct—Substitution—Caducité.

A testator having made his will as follows:—

"I give, devise and bequeath all my real estate and personal property and effects of every nature, kind and description, and wherever situate, to my beloved wife, Ann Bain, for and during the term of her natural life, and after her death, to my nephew W. E. Phillips, and to his heirs and assigns for ever,"—and the nephew having died during the life of the widow:

HELD:—That this did not give the usufruct to the widow, and the *nue propriété* to the nephew and his heirs, as the latter contended, nor did it create a substitution in favor of the nephew only, which became *caduque* on his death before the opening of the substitution on the death of the widow, as contended by her,—but that it created a substitution which continued in favour of the heirs of the nephew after his death waiting the opening of the substitution on the death of the widow.—*Phillips et al.* v. *Bain*, Loranger, J., March 14, 1885.

QUO WARRANTO.

In a very recent case (1) the Supreme Judicial Court of Massachusetts has discussed the functions and operation of the writ of Quo Warranto, or of the nature thereof, and refused to apply that remedy to the relief of a private person upon whose relation the information was filed.

The facts were that Kenney, finding the operations of the gas company in digging up the street and laying pipes, inconvenient to his business as a brewer, caused the information to be filed upon his relation by the Attorney General.

The court held, that the plaintiff had mistaken his remedy, that the law will not accord the benefit of this extraordinary writ unless it shall appear that the desired relief cannot be obtained through ordinary processes. On the general subject, the court says:

"We have no doubt that the court has jurisdiction, in proper cases, to restrain acts like those now complained of, upon the information of the attorney general, either on behalf of the commonwealth, or at the relation of a private individual.(2) But in determining whether a proper case has been made out, all the circumstances are to be looked at. In England, in cases like the present, where the court has refused to interfere by way of injunction, special significance has been attached to the circumstance that the informations were not brought in behalf of the public, but merely at the relation of parties privately interested, who might themselves have instituted legal proceedings, if any special damage had been inflicted upon them.(3) In the former case,(4) Lord Cranworth went so far as to say: "I cannot but come to the conclusion that the attorney general and the public here are a mere fiction, and that the real parties concerned are only those that were parties to the first suit." Page 313. This, however, is not a controlling consideration; and, if an information is brought, in cases where the principal interest involved is a private one, the introduction of a relator is proper, in order that he may be liable for costs.(5) But, while not doubting that cases might exist in which the interposition of the court would be properly sought to restrain the digging up of streets, we see no occasion for such interference here. In a very recent case it has been declared that "the court will not interfere

(1) *Kenney* v. *Consumers' Gas Co.*, and *Attorney General* v. *Same*, Sept. 11, 1886, 8 N. East. Rep. 138.

(2) *Attorney General* v. *Jamaica Pond Aqueduct Corp.*, 133 Mass. 361; *District Attorney* v. *Lynn & B. R. R.*, 16 Gray, 242.

(3) *Attorney General* v. *Sheffield Gas Consumers' Co.*, 3 De Gex, M. & G. 304; *Attorney General* v. *Cambridge Consumers' Gas Co.*, 4 Ch. App. 71, 81, 82, 84, 87.

(4) *Attorney General* v. *Sheffield*, etc., Co., *Supra*.

(5) Pub. St. c. 189, § 19; 1 Daniell, Ch. Pr. (4th Amer. Ed. 1416.

when the obstruction to the rights of the public is of such a character that it may with equal facility be removed by other constituted authorities and public officers. There must be a want of adequate, sufficient remedy, and the injury to public rights must be of a substantial character, and not a mere theoretical wrong."(1)

By Pub. St. c. 106, § 77, it is provided that "the mayor and aldermen or selectmen of a place in which pipes or conductors of such a corporation (*i.e.*, gas-light companies) are sunk, may regulate, restrict, and control all acts and doings of such corporation which may in any manner affect the health, safety, convenience, or property of the inhabitants of such place." A convenient tribunal is thus provided with adequate authority to remedy all the grievances set forth in the information, which consist solely in the attempt to open and dig up Terrace street. There is no averment that any application has been made to the mayor and aldermen, and relief refused. The case thus falls directly within the principle of the decision in *Attorney General* v. *Metropolitan R. R.* (2) In a case which, like the present, is brought to sustain private interests, there is no occasion for the interference of this court, at least until it appears that a real and substantial injury exists or is threatened, and that the mayor and aldermen have refused relief upon due application to them.

The information also prays that proceedings in the nature of a *quo warranto* shall be taken by the court to restrain the defendant from further use of its corporate power, and from usurping public franchises to which it is not entitled. But if the attorney general seeks such a remedy, it should be by an information *ex officio*, and not by an information brought primarily for the protection of private interests."(3)

The bill was dismissed and the demurrer sustained.—*Cent. Law Journal.*

(1) *Attorney General* v. *Metropolitan R. R.*, 125 Mass. 515, 516.

(2) See, also, *Attorney General* v. *Bay State Brick Co.*, 115 Mass. 431, 438.

(3) Com. v. Union Ins. Co., 5 Mass. 230, 232; Rice v. National Bank, 126 Mass. 300.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Nov. 13.

Judicial Abandonments.

John McLean, trader, Murray Bay, Nov. 6.

Nathaniel Michaud, trader, St. Eloi, Nov. 8.

Curators appointed.

Re J. G. Gingras & Co., printers, Quebec.—H. A. Bedard, Quebec, curator, Nov. 8.

Re J. A. Lavigne, trader, Trois Pistoles. — H. A. Bedard, Quebec, curator, Nov. 10.

Re Wilson & Cowley, printers, Montreal.—J. M. M. Duff, Montreal, curator, Nov. 10.

Dividends.

Re Auguste Laberge.—First and final dividend payable Nov. 29, E. Begin, Quebec, curator.

Re Cyprien Lemaire, Ste. Madeleine.—First dividend, payable Dec. 4. Kent & Turcotte, Montreal, curator.

Re Joseph Lemieux, St. Isidore.— Final dividend payable Dec. 4. Kent & Turcotte, Montreal, curator.

Re L. N. Simoneau, Victoriaville.—First dividend, payable Dec. 4. Kent & Turcotte, Montreal, curator.

Separation as to property.

Julia Hannah Andres vs. Herbert Taylor, trader, Montreal, Nov. 16.

Virginie Bourgeois vs. Charles Ledoux, trader, St. Hyacinthe, Nov. 9.

Christine Peltier vs. Pierre Menard, farmer, Barnston, Oct. 28.

Minutes of notary.

Minutes of Ferdinand Faure, St. Henri, transferred to A. C. A. Bissonnette, N. P. St. Henri, Nov. 9.

Members elected.

A. E. E. Lussier, Verchères; A. Boyer, Jacques Cartier; J. O. Villeneuve, Hochelaga; O. Baldwin, Stanstead.

GENERAL NOTES.

"Not long ago a lawyer from one of the western States, who had never visited Washington before, came here to argue a case before the Supreme Court," writes the Washington correspondent of the Boston *Traveller*. "He created a sensation which made the chills creep up and down the backs of the venerable justices who had to listen to to him. When he came into court he wore a red flannel shirt, coarse woollen clothes and cowhide boots. His hair hadn't seen the scissors for several seasons, and the razor was a stranger to his face. At first he was taken for a crank, but when the case was called, the court soon found out that he was a man of great ability. The question at issue was involved in a patent suit, and was quite intricate and complicated. It took the country lawyer two days to argue the case, and he finally won it. After adjournment on the first day one of the court officers suggested that a white shirt, collar, cuffs, and cravat would make an improvement in his personal appearance. The lawyer told him that he didn't own one. The next day however he wore a paper collar about the width of an ordinary cuff, pinned on to his red shirt."