The Legal News.

Vol. XII. JUNE 1, 1889. No. 22.

The English case of *Reg.* v. *Gordon* goes a long way towards protecting simple-minded persons from sharp practices. The lender in this case proposed to retain £40 as his little commission on the £100 which he professed to lend. It might be said that it is the duty of a borrower to inquire what interest or commission he is to be charged. The borrower here did not do this, but seems to have imagined that he would receive the full amount for which he gave his note. The Court of Crown Cases Reserved held that the lender, having professed to lend £100, and refusing to pay over that amount or return the note, was guilty of obtaining the note by false pretences, and the conviction was affirmed.

Gratitude is not often expressed in such a substantial form as in the case of Mr. Kempthorne, solicitor, of Neath, Glamorgan. Mr. Kempthorne is the recipient of a legacy of £100,000 from a grateful client. *O, si sic omnibus!*

Among several articles of interest in the current number of the *Journal du Droit International Privé*, says the *Law Journal*, is 'Le cas du Général Boulanger en Belgique.' It appears that the exact charge pending against General Boulanger is, under the Act of April 8, 'd'attentat contre la sûreté de l'Etat et autres faits connexes,' which, so far as the second part of it is concerned, has been particularised in the indictment as 'le complot.' Neither of these crimes is the subject of extradition between Belgium and France, but in Belgium the power of expulsion of refugees has been frequently exercised, notably in the cases of Victor Hugo and the Comte de Chambord. In intimating to General Boulanger, in view of the meeting of his partisans held at Brussels, for the purpose of developing a plan of campaign, that Belgium could no longer accord him her hospitality, the precedent of the Comte de Chambord was closely followed with the same result, except that the count retired to Holland, while the general came to England.

A judge tells an amusing story of an unexpected reciprocation of courtesy. Long ago, he says, "recognizing that jurors should receive more courtesy than they sometimes do, it is my habit, in discharging them, always to thank them with pleasant words. So at the term just adjourned at Jackson, in discharging the grand jury, which had been unusually long in session and returned many indictments, I thanked them for their attendance, referred to the efficiency of their work, hoped they would carry to their homes pleasant memories of the court, and that their business had not suffered as much as they feared when they wished to be excused and were not, that we should have the pleasure of seeing them again, etc. To this the foreman usually bows, expresses his pleasure and that of his fellows for the courtesies received from the court and its officers, etc. This time the foreman, who was a zealous Baptist, fresh from a revival, which he was more anxious to attend than to serve on the grand jury, astonished and embarrassed the court by replying about in this phrase: 'The grand jury, one and all, most cordially reciprocates your honor's sentiments,' etc. (making quite a speech upon the kindness received from all the officials). 'And now, as an evidence of our good-will, *we propose to extend to your honor the right hand of fellowship.*' He was about to go through this performance, when the court, mindful of its dignity and full of apprehensive mirth, politely declined the proffered handshaking. Imagine the condition of the bar."

Strangely perverted is the sentiment which prompts a man to use his testamentary dispositions for a last fling at his family or his country. The will of one of these persons, named Louis August Travers, a citizen of France, has come before the Courts. Although there has been some diversity of government in France, Mr. Travers was so unfortunate as to find nothing to suit him. He instructed his executor to consign his body to the deep just off the English coast, declared that France had always oppressed

him, that the French were a nation of dastards and fools, and that he only wished he had milliards, that he might give them to the English, the born enemies of stupid France. He ended by leaving his money to the London work houses or poor. The Court of Appeal, at Paris, has confirmed the judgment of first instance annulling the will, holding that the London poor and workhouses had no legal representatives, and that such anti-patriotic sentiments indicated insanity.

NEW PUBLICATION.

DIGEST OF REPORTED CASES touching the Criminal Law of Canada; by T. P. Foran, Esq., Advocate. Carswell & Co., publishers, Toronto.

The title indicates the object of the volume. The head-notes of six hundred and eighty-one reported decisions are comprised in the compilation.

SUPREME COURT OF CANADA.

OTTAWA, April 30, 1889.

New Brunswick.]

RODBURN v. SWINNEY.

Mortgage—Power of Sale—Exercise of—Sale under power of attorney—Authority of attorney—Purchase money—Promissory note.

A mortgage authorized the mortgagees to sell in default of payment on giving a certain notice, and contained a clause that the purchaser at such sale should not be required to see that the purchase money was applied as directed. The mortgagee gave R. a power of attorney to sell under the mortgage, which he did, taking part of the purchase money in cash, and for the balance, a promissory note payable to himself, which he discounted and appropriated the proceeds. The note was paid by the maker at maturity. In a suit to have the sale set aside as fraudulent and made in collusion between R. and the purchaser;

Held, affirming the judgment of the Court below, that R. had no authority to take the said note in payment, and the purchaser was bound to see that his powers were properly exercised. The sale was therefore void and must be set aside.

Appeal dismissed.

Geo. G. Gilbert, Q.C., for appellants.
F. E. Barker, Q.C., for respondents.

OTTAWA, April 30, 1889.

Prince Edward Island.]

HALIFAX BANKING CO. v. MATTHEW.

Chattel mortgage—Action to set aside—Fraudulent as against creditors—13 Eliz., c. 5—Right of creditor of mortgagor to redeem.

Plaintiffs having recovered judgment against one H., issued execution under which the sheriff professed to sell certain goods of H., and gave a deed to plaintiffs, conveying all the "shares and interest" of H. in said goods. H. had conveyed these goods to defendants by a mortgage made six months before the recovery of the plaintiffs' judgment, which mortgage covered all the goods proposed to be sold by the sheriff. The plaintiffs filed a bill to set this mortgage aside as fraudulent under Stat. of Eliz., and fraudulent in fact. The Court below held the mortgage good and dismissed the bill.

Held, affirming this judgment, that no fraud being shown, and the plaintiffs not offering to redeem the mortgage, the action was rightly dismissed.

Appeal dismissed.

W. B. Ross, for the appellants.
Fred. Peters, for the respondents.

OTTAWA, April 30, 1889.

New Brunswick.]

GEROW v. ROYAL CANADIAN INS. CO.

GEROW v. BRITISH AMERICAN INS. CO.

Marine Insurance—Constructive total loss—Cost of repairs—Estimate of—Deduction of new for old.

A policy of insurance on a ship contained the following clause:—

"In case of repairs, the usual deduction of one-third will not be made until after six months from the date of first registration, but after such date the deduction will be made. And the insurers shall not be liable for a constructive total loss of the vessel in case of abandonment or otherwise, unless the cost

of repairing the vessel, under an adjustment as of partial loss, according to the terms of this policy, shall amount to more than half of its value, as declared in this policy."

The ship being disabled at sea put into port for repairs, when it was found that the cost of repairs and expenses would exceed more than one-half of the value declared in the policy, if the usual deduction of one-third allowed in adjusting a partial loss under the terms of the policy was not made, but not if it was made.

Held, affirming the judgment of the Court below, Patterson, J., dissenting, that the "costs of repairs" in the policy means the net amount after allowing one-third of the actual cost in respect of new for old, according to the rule usually followed in adjusting a partial loss, and not the estimated amount of the gross cost of the repairs forming the basis of an average adjustment in case of claim for partial loss, and therefore the cost of repairs did not amount to half the declared value.

Appeal dismissed.

Weldon, Q.C., for the appellant.
Barker, Q.C., for the respondents.

OTTAWA, April 30, 1889.

New Brunswick.]

MILLER v. WHITE.

Evidence—Admissibility of—Entries in defendant's books—New trial.

In an action for goods sold and delivered against McK. and M. the defence was that the goods were sold to C. McK. & Co., the defendant, McK. being a member of both firms. On the trial, McK. was called for the plaintiff, and on cross-examination he produced, subject to objections, his books which showed that the plaintiff's goods were credited to C., McK. & Co., though he swore they had been delivered to McK. & Co. In the plaintiff's books the goods were charged to C. McK. & Co., which plaintiff swore was done at the request of McK. A verdict having been found for the defendant, the Supreme Court of New Brunswick ordered a new trial on the ground that the entries in McK's books were improperly admitted in evidence.

Held, reversing the judgment of the Court below, that the evidence was properly admitted, and the rule for a new trial should be discharged.

Appeal allowed.

Weldon, Q. C., and *C. A. Palmer*, for appellants.

McLeod, Q.C., and *A. S. White*, for respondent.

OTTAWA, April 30, 1889.

New Brunswick.]

ALEXANDER v. VYE.

Evidence—Admissibility of—Action for libel—Proof of handwriting—Comparison—Recollection.

In an action for libel contained in a letter published in a newspaper and alleged to have been written by the defendant, the publisher of the newspaper was called as a witness to prove that it was so written. He swore that the original MSS. was enclosed in an envelope bearing the postmark of the town where defendant resided, and that it was accompanied by a letter requesting its publication, which letter was signed by defendant's name: that the MSS. was destroyed after publication, and that he had no knowledge of defendant, or of his handwriting, but on receiving a letter from him some five weeks later he was able to say, from his recollection of the MSS. that it was in the same handwriting as such letter. This evidence was received subject to objection and submitted to the jury who gave a verdict for the plaintiff.

Held, affirming the judgment of the Supreme Court of New Brunswick, Gwynne, J., dissenting, that the evidence was properly received.

Held, also, Gwynne and Patterson, JJ., dissenting, that evidence could be given to show that defendant had changed the character of his signature since the action was commenced, which he denied on cross examination.

Appeal dismissed.

Weldon, Q.C., and *Gregory*, for the appellant.

Hanington, Q.C., for the respondent.

OTTAWA, April 30, 1889.

Quebec.]

THE QUEEN v. JACOBS.

Criminal Law—Indictment—Murder—Name of deceased—Variance—Case reserved.

Where two or more names are laid in an ndictment under an *alias dictus*, it is not necessary to prove them all.

The prisoner, an Indian, was indicted for the murder of Agnes Jacobs, otherwise called Konwakeri Karonhienawitha. At the trial, evidence was given identifying the deceased as an Indian woman known by the Indian name laid in the indictment, but there was no evidence that she was known by the name of Agnes Jacobs. The prisoner was convicted of manslaughter.

Held, affirming the judgment of the Court of Crown Cases Reserved for the Province of Quebec, that proof of the Indian name was sufficient to justify the conviction. *Regina* v. *Frost* (Dears. & B. 474) distinguished.

Appeal dismissed.

Cornellier, Q.C., for appellant.

Trenholme, for the Crown.

OTTAWA, April 30, 1889.

Ontario.]

Re SMART.

Appeal—Habeas Corpus—Commencement of proceedings—Filing Case—Jurisdiction.

In the hearing on a writ of habeas corpus, the trial judge ordered that no further proceedings be taken on the writ, but allowed a petition to be filed under the Infants' Custody Act. By a judgment of the Divisional Court, affirmed by the Court of Appeal, that portion of the judgment relating to the habeas corpus was reversed, and the proceedings on the writ and the petition were ordered to be heard together. The judgment of the Court of Appeal was pronounced on Nov. 13, 1888. Notice of intention to appeal was given a short time after, but the case was not filed in the Supreme Court until Feb. 18th, 1889.

Held, that in habeas corpus proceedings, where no security is required, nor notice necessary, the first step in the appeal is the filing of the case, and that must be done within sixty days from the pronouncing of the judgment under sec. 40, Supreme Court Act.

Appeal quashed.

S. H. Blake, Q.C., for appellants.

Kerr, Q.C., and *Scott, Q.C.*, for respondent.

OTTAWA, May 22, 1889.

Ontario.]

O'SULLIVAN v. LAKE.

Appeal—From order for new trial—Jurisdiction—Costs.

By sec. 24 (d) of the Supreme Court Act, R.S.C. c. 135, an appeal will lie to the Supreme Court from a judgment upon a motion for a new trial on the ground that the judge has not ruled according to law.

A motion was made to the Divisional Court supported by affidavits for a new trial on the grounds of misdirection, surprise and of further evidence being necessary on certain points, and it was granted on the ground of misdirection. On appeal, the Court of Appeal held that there had been no misdirection, but sustained the rule on the other grounds.

Held, that no appeal would lie to the Supreme Court from the latter decision.

The respondent, in his factum, did not raise the question of jurisdiction, but objected to the appeal on the ground that the Court should not interfere with the discretion of the Court below, relying on *Eureka Woollen Mills Co.* v. *Moss*, 11 Can. S. C. R. 91.

Held, that the costs allowed would be costs as of a motion to quash only.

Appeal quashed.

W. Cassels, Q.C., and *Anglin*, for appellant.

Robinson, Q. C., and *Maclaren*, for respondent.

HOUSE OF LORDS.

LONDON, April 8, 1889.

MACDOUGALL v. T. & H. KNIGHT. (24 L.J. N.C.)

Libel—Privilege—Judgment, Verbatim Report of.

This was an appeal from a decision of the Court of Appeal (reported 55 Law J. Rep. Q. B. 464), affirming a decision of the Queen's Bench Division.

The appellant in person.

Sir E. Clarke, Q.C. (*Solicitor-General*) and *Blake Odgers*, for the respondents, were not called upon.

Their Lordships (Lord Halsbury, L.C., Lord Watson, Lord Bramwell, Lord Fitzgerald, and Lord Macnaghten), without deciding that the publication of an accurate report of a judgment is necessarily privileged, held that it was too late for the appellant to dispute that the judgment published by the respondents fairly stated the effect of the evidence, and on that ground dismissed the appeal.

Appeal dismissed.

CROWN CASES RESERVED.

LONDON, May 11, 1889.

REGINA v. GORDON.

False Pretences—Money Lender—Promissory Note for 100*l. obtained on Representation that* 100*l. would be Advanced—False Representation of Existing Fact.*

This was a case reserved by Lord Coleridge, C.J.

The prosecutor (Brown), a farmer, seeing an advertisement in a county paper that prisoner was prepared to lend money on advantageous terms, applied to him for a loan of 100*l.* for two years. The prisoner agreed to lend this sum upon the prosecutor and his son signing a document promising to pay 100*l.* in two years, by quarterly instalments. The prisoner charged a fee of 10*s.* 6*d.* for the expense of going over to the farm to look at the stock. The prosecutor and his son signed the promissory note and handed it to the prisoner, who gave them not 100*l.*, but 60*l.* in exchange, telling them that 40*l.* was the charge he made for the advance. Upon this the prosecutor sought to return the 60*l.* Ultimately an indictment containing five counts was preferred against the prisoner—the first for obtaining 10*s.* 6*d.* by false pretences; the second for obtaining the promissory note for 100*l.* by false pretences; and the fourth for inducing the prosecutor and his son to make the promissory note for 100*l.* by the false pretence that the prisoner was prepared to pay them or one of them 100*l.* The third and fifth counts were abandoned; but the jury found the prisoner guilty upon the others.

Lockwood, Q.C., and *Harington*, for the prisoner, contended that there had been no false representation of an existing fact.

Amphlett, for the prosecution, was not called upon to argue.

The Court (Lord Coleridge, C.J., Mathew, J., Wills, J., Cave, J., and Grantham, J.) held that the prisoner had induced the prosecutor to believe that he would give him 100*l.* upon his signing the note, and that the prisoner had never intended to do so; that by pretending that the 100*l.* was ready to be handed to the prosecutor upon his signing the note, the prisoner had made a false representation of an existing fact. The conviction could accordingly be maintained upon the fourth count of the indictment.

Conviction affirmed.

CROWN CASES RESERVED.

LONDON, May 11, 1889.

REGINA v. TOLSON.

*Bigamy—Bonâ fide and Reasonable Belief in Death of Husband or Wife—*24 & 25 *Vict. c.* 100, *s.* 57.

Case stated by STEPHEN, J.

The prisoner was married on Sept. 11, 1880.

On December 13, 1881, her husband deserted her. She and her father made inquiries about him, and learned from his elder brother and from general report that he had been lost in a vessel bound for America which went down with all hands on board.

On January 10, 1887, she went through the ceremony of marriage with another man.

In December, 1887, her first husband returned from America.

The learned judge directed the jury that a belief in good faith and on reasonable grounds that her husband was dead, was not a defence to an indictment for bigamy.

The jury convicted the prisoner, stating, in answer to a question from the learned judge, that she in good faith and on reasonable grounds, believed her husband to be dead at the time of her second marriage.

Henry for the prisoner.

No counsel appeared for the prosecution.

Their Lordships (Lord Coleridge, C. J., Hawkins, J., Stephen, J., Cave, J., Day, J., Smith, J., Wills, J., Grantham, J., Charles,

J. — Denman, J., Pollock, B., Field, J., Huddleston, B., and Manisty, J., *dissentientibus*) held that the direction of the learned judge was wrong, and that the conviction must be quashed.

Conviction quashed.

NOTE.—The *Law Journal* (London) has the following remarks on the above decision:—"The rooted idea in the mind of the British public that after the lapse of seven years without communication husband or wife may marry again is confirmed and extended by the decision of the Court for the consideration of Crown Cases Reserved in *Regina* v. *Tolson*, noted this week. The idea arose from the rule of law that proof of continual absence from home for seven years and of want of knowledge of the absent husband or wife being alive is a good defence to an indictment for bigamy. Nine judges to five have now decided that it is a good defence if the defendant on good and reasonable grounds believed his or her wife or husband to be dead. The reasons for this decision cannot be weighed until the judgments are reported, but no lawyer outside the somewhat enervating atmosphere of the consulting room of the Court for the consideration of Crown Cases Reserved, can fail to be struck with the fact that the decision introduces an alarming uncertainty into a branch of the law of which certainty is the essence."

APPEAL REGISTER—MONTREAL.

Wednesday, May 15.

Stanton et al. & Canada Atlantic Railway Co.—Motion that record be again transmitted to Superior Court for revision of bill of costs C. A. V. Motion of appellants for *acte* of declaration as to *mis en cause*. C.A.V.

Union Bank of Canada & The Maritime Bank.—Application for precedence rejected.

Edison Electric Light Co. & Royal Electric Co.—Submitted. C.A.V.

165 & 166. *Ste. Marie & Bourassa.*—Heard. C.A.V.

Pigeon & Cour du Recorder.—Heard. C.A.V.

Thursday, May 16.

Palliser & Trenholme.—Heard. C.A.V.

Nordheimer & Alexander.—Heard. C.A.V.

Cie. de Navigation R. & O. & Fortier.—Part heard.

Friday, May 17.

Ex parte Laverdure.—Petition to be appointed bailiff. Granted.

Cie. de Navigation & Fortier. — Hearing closed. C.A.V.

Watt et al. & Fraser et al.—Part heard.

Saturday, May 18.

La Cie. de Jésus v. *The Mail Printing & Publishing Co.*— Motion by defendants for leave to appeal from an interlocutory judgment. Granted.

Watt et al. & Fraser et al.—Hearing continued until the adjournment.

Monday, May 20.

Stanton et al. & Canada Atlantic Railway Co.—Motion for re-transmission of the record to the Court below granted. Costs to be finally taxed, and record returned to this Court within one month. The motion of the appellants for *acte* of their declaration that copies of the writ of appeal were served upon the *mis en cause* only to notify them of the appeal, and not for the purpose of making them respondents; granted in part.

Leblanc & Beauparlant.—Appeal dismissed with costs.

Greene et al. & Mappin.—Appeal dismissed without costs.

Casavant & Casavant. — Judgment confirmed.

Prouty et al. & Stone.—Judgment confirmed.

Roch & Corporation de St. Valentin.—Judgment confirmed.

Sangster & Hood.—Judgment reversed.

Lachute Town Corporation & Burroughs.—Judgment confirmed.

Watt et al. & Fraser et al.—Hearing concluded. C.A.V.

St. Louis & Senécal.—Part heard.

Tuesday, May 21.

Gilman & Campbell et al.—Motion of respondents for dismissal of appeal taken *de plano*. C.A.V. Motion of appellant for leave to appeal. C.A.V.

Ontario & Quebec Railway Co. & Marcheterre.—Motion for dismissal of appeal taken *de plano*. C.A.V.

Dorion & Dorion & Cie. de Prêt & Crédit

Foncier.—Application for precedence, the appeal being from a judgment ordering appointment of *séquestre* in default of furnishing security. C.A.V.

St. Louis & Shaw.—Hearing closed. C.A.V.

Angus & Watson.—Heard. C.A.V.

Evans & Lamb.—Heard. C.A.V.

Wednesday, May 22.

Dorion & Dorion & La Cie. de Prêt & Crédit Foncier.—Application for precedence granted.

Ontario & Quebec Railway Co. & Marcheterre.—Hearing *de novo* on motion of respondent to quash writ of appeal. C.A.V.

La Mission de la Grande Ligne & Morrissette.—Heard. C.A.V.

School Commissioners of Clarenceville & Canfield.—Heard. C.A.V.

Thursday, May 23.

Ontario & Quebec Railway Co. & Marcheterre.—Motion to quash writ granted. Appeal dismissed.

Gilman & Campbell et al.—Motion of respondents granted and appeal dismissed. Appellants' motion for leave to appeal granted.

Ross et al. & Blouin, & Fisher.—Case heard at Quebec. Judgment of Court of Review reversed, and judgment of Superior Court confirmed.

Cassidy & City of Montreal.—Judgment confirmed.

Mainville & Corbeil.—Judgment reversed, each party paying his own costs in both Courts.

Dorion & Dorion & La Cie. de Prêt & Crédit Foncier.—Heard. C.A.V.

Tourville & Ritchie; Ritchie & Tourville.—Part heard.

The Court adjourned to May 27.

Monday, May 27.

Leclaire et al. & Dastous.—Appeal declared abandoned (no proceedings within the year.)

Leduc & Graham.—Motion for leave to appeal from interlocutory judgment. C.A.V.

Sigouin & Religieuses de l'Hotel-Dieu.—Petition for leave to appeal from interlocutory judgment. C.A.V.

Laurin & Chevalier.—Petition for leave to appeal from interlocutory judgment. C.A.V.

Tourville & Ritchie; Ritchie & Tourville.—Hearing closed. C.A.V.

Grand Trunk Railway Co. & Murray.—Part heard.

Tuesday, May 28.

Irwin & Lessard.—Judgment reversed with costs; Tessier and Bossé, JJ., dissenting.

McLean & Kennedy.—Judgment reversed; Tessier and Church, JJ., dissenting.

Cie. du Grand Tronc & Black et al.—Judgment reformed; damages reduced to $450; costs in appeal in favor of appellants.

Davis & Kerr (Nos. 112 & 113).—Judgment confirmed, Tessier, J., dissenting.

Kerr & Davis.—Judgment reversed, Tessier and Bossé, JJ., dissenting.

Montreal Street Railway Co. & Ritchie.—Judgment confirmed, Cross, J., dissenting.

Farwell et al. & Wallbridge.—Judgment reversed, Tessier, J., dissenting.

Farwell et al. & Ontario Car & Foundry Co.—Judgment reversed, Tessier & Church, JJ., dissenting.

School Commissioners of St. George of Clarenceville & Canfield.—Judgment confirmed.

Angus & Watson.—Judgment confirmed.

Grand Trunk Railway Co. & Murray.—Hearing closed. C.A.V.

Roberge & Cie. du Chemin de Fer du Nord. No. 20.—Heard. C.A.V.—No. 141. Appeal from judgment on *requête civile.*—Heard. C.A.V.

Brandon et al. & Ontario Car Co.—*Acte* granted of discontinuance of appeal.

The Court adjourned to June 26.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, May 25.

Judicial Abandonments.

Joseph Dubé, trader, St. Sauveur de Québec, May 21.

William J. Mackenzie, trader, Buckingham, May 17.

Léon Louis Raymond, trader, parish of L'Ange Gardien, May 7.

Curators Appointed.

Re Paul Bayeur, trader, Berthier.—Seath & Daveluy, Montreal, joint curator, May 7.

Re J. Bonenfant.—Kent & Turcotte, Montreal, joint curator, May 16.

Re Hormisdas Brais.—Seath & Daveluy, Montreal, joint curator, May 21.

Re S. E. Gélinas, Ste. Brigite des Saults.—J. E. Girouard, Drummondville, curator, May 15.

Re Kerr Piano Co., Montreal.—Kent & Turcotte, Montreal, joint curator, May 21.

Re Jean Baptiste Morin, baker, parish of St. Antoine.—A. M. Archambault, N.P., St. Antoine, curator, May 15.

Dividends.

Re N. Dion & Co.—First dividend (15c.), payable June 7, D. Arcand, Quebec, curator.

Re vacant estate of late Mrs. M. Mercer.—Second and final dividend, payable June 11, J. W. Molson, Montreal, curator.

Re Legendre & Leblanc, traders, Kamouraska.—First dividend, payable June 4, H. A. Bedard, Quebec, curator.

Re Marcus Markus, Montreal.—First and final dividend (9c.), payable June 10, J. McD. Hains, Montreal, curator.

Separation as to Property.

Mélina St. Charles vs. Jean Baptiste Sicard, commercial traveller, Montreal, May 21.

Célina Berger dit Véronneau vs. Augustin Boudreau, jr., farmer, parish of St. Cyprien, Iberville, May 20.

Magistrate's Court.

Magistrate's Court established for county of Compton, to be held 4th and 5th January, March, May, July, September and November.

Court Terms Altered.

Circuit Court, county of Beauce, to be held at St. Vital de Lambton, 1st to 3rd June, and 4th to 6th December Circuit Court, county of Dorchester, to be held 4th to 6th June.

Appointment.

Henri Lapointe, Tadoussac, appointed registrar of the County of Saguenay.

GENERAL NOTES.

THE NEW METHOD OF EXECUTION.—A New York journal sent a reporter through the "murderers' row" of the Tombs not long ago, and questioned the men under sentence of death. With one accord they pronounced in favor of the new law, and regretted that if they must die, the law did not apply to their cases.

OARSMEN ON THE BENCH.—Lord Esher, at the boat race dinner, not only fitly presided, but well represented the five judges who have long rested on the silver oar in virtue of having taken part in the university matches of the past. Of these, three besides himself were in the Cambridge boat—Mr. Justice Denman, who won and lost alternately: Mr. Justice Smith, who won twice and lost once; and Lord Macnaghten, who lost twice, an exceptional ill-luck which did not follow him in his career ashore. Mr. Justice Chitty alone represents Oxford, but with a good record, having won twice and lost once, when he was beaten by a crew in which Mr. De Rutzen, the police magistrate, rowed three. He eclipses Lord Macnaghten in the honor of rowing stroke, as his was a winning crew. So was Lord Esher's when he rowed seven, an almost equally arduous rowlock, in 1837. It is fifty years ago, and in those days sliding seats, keelless bottoms and outriggers were unknown, and the course was from Westminster to Putney.—*Law Journal*, (London).

DRIVING A POINT HOME.—Sir Charles Russell, ex-attorney-general, and leading counsel for Mr. Parnell, has a well-known trick of driving a point home to a jury which is inimitable by any other advocate. He begins to lead up to it with his right hand in his tail-pocket, under his gown. Thence he extracts a snuff-box, transfers it to his left hand, opens it, takes a pinch between the finger and thumb of his right, and with the box still in his left hand, and the pinch still in transitu, he makes his point unerringly, so that it reaches his hearers' minds at the precise moment at which the pinch reaches its destination. Then, with an inimitable flourish of a red and yellow bandanna the oratorical effort is complete. But to be properly appreciated it must be seen.

RELIGIOUS DISABILITY.—Mr. Morley, M.P., at Newcastle, on April 24, in addressing the newly-elected General Committee of the Six Hundred of the Newcastle-on-Tyne Liberal Association, said: "I wonder whether it occurred to any of you—it occurred to me, as Sir Charles Russell's speech was going on, as an illustration of the unwisdom with which we have governed Ireland—that though Ireland is, in greater part, a Catholic country, yet the chief Governor of Ireland, by the law of the land, cannot be a Catholic. More than that, I could not help thinking that Sir Charles Russell himself, who is a Catholic, cannot attain to the highest prize in the profession. He cannot be made Lord Chancellor of England. A Jew can be made Lord Chancellor. There is some difficulty, I know, about patronage. It might be rather awkward to have a Catholic Chancellor distributing Protestant livings. But a short time ago we were within a measurable distance of having that state of things. Therefore that difficulty cannot be a real one. I only say this because I think I can promise you—and I cannot conceive how a Tory even can resist it—I think I can promise you that before very long a bill will be introduced into the House of Commons which will sweep away this last rag of religious disability."

THE BAR AND THE ATTORNEY-GENERAL.—The Solicitor-General, Sir Edward Clarke, wrote from the House of Commons on April 2, as follows: "The suggestion contained in Mr. Cooper's letter that the meeting of the bar on the 13th inst. should be made the occasion of an expression of opinion as to the conduct of the Attorney-General, in matters which have lately been the subject of debate in the House of Commons, is most unfortunate. I have no doubt that the leader of the bar will receive a cordial welcome from his professional brethren, but to propose a resolution conveying any judgment upon those matters would be to invite, and almost to compel, a controversial discussion, and would place many members of the bar whom we hope to see at the meeting, in a very difficult position. I know that the Attorney-General himself is so far from desiring any action of this kind that he will certainly not attend the meeting unless he is fully assured that no such attempt will be made to pledge the bar as a body to the expression of any opinion with regard to incidents and conduct which cannot as yet be fully and properly discussed."

ABBREVIATIONS.—The Boston *Transcript* suggests that a good abbreviation for Alaska would be L. S., which, as everyone knows, means the place of the seal.