The Legal News.

VOL. XI. OCTOBER 27, 1888. No. 43.

A petition having been presented by seventeen members of the bar, practising in the district of Ottawa, praying for incorporation as a separate section of the bar, a proclamation has been issued under the authority of 44-45 Vict. c. 27, granting the incorporation prayed for by the petitioners. The Act referred to enacts that "whenever the members of the bar, duly qualified to practise and practising in any new district, exceed fifteen, it shall be lawful for them to constitute themselves into a section of the bar, in and for such district, and such corporation shall be formed as follows: a petition shall be signed by at least fifteen of the members of the bar of such district, and transmitted to the Lieutenant-Governor in Council who shall issue a proclamation constituting such corporation. From and after the date of such proclamation, the members of the bar of such district shall constitute, under the name of 'the Bar of' (adding the name of the district), a separate section of the bar, and all the provisions of this Act respecting sections shall apply to such section."

Mr. Hopwood, Q.C., Recorder, in charging the grand jury at the Liverpool Quarter Sessions, entered into a long defence of his lenient sentences, which have been the subject of considerable comment. He said "he disapproved of long sentences based on previous convictions, for which adequate punishment had already been suffered, as they were cruel to the prisoner and injurious to the community. His rule was to have regard mainly to the offence before him, and his opinion in this matter had been formed after much deliberation, and with a deep sense of responsibility, aided by his experience at bar, at sessions, and at assizes. The theory that long sentences would afford time for reflection, education, and reform had not worked out successfully. Severe sentences only made the criminal class more violent and cruel, while lengthened imprisonment was a source of large and unnecessary cost to the taxpayers, and he was convinced that the course he was following was for the benefit of the community." It is no doubt true that the reform of a prisoner is seldom brought about by imprisonment. But, on the other hand, it being common experience that many of the worst crimes are committed by discharged convicts, some of whom have already served several terms, the protection of the public surely requires that some attention should be given to the fact that the prisoner is a confirmed law-breaker, for the shortening of his sentence simply means that he will be afforded an earlier opportunity to repeat his offence. The argument as to cost, if it be worth anything, is rather against short sentences, for they multiply trials, with the inevitable expenses attending them.

The increase of the sentence on one Buckley, at Toronto, because of former convictions, shows that Chief Justice Galt does not sympathize with the opinion expressed by Mr. Hopwood. This case is sufficiently novel to deserve notice. Buckley had been convicted of causing the death of one Bertha Robinson. At the trial, no reference whatever was made to previous convictions. The Judge, in ignorance of the prisoner's record, sentenced him to five years' imprisonment. When the assize Court opened on the 13th instant, the Crown Prosecutor, Mr. Æmilius Irving, Q.C., moved for a reconsideration of the sentence, and in doing so pointed out that the prisoner's previous record, which included twenty-nine convictions and terms in the penitentiary and Central Prison, had not been taken into account, and that as the assizes had not yet closed it was quite in accordance with the law for the Judge to reconsider and to alter any sentence passed. Mr. Durand, on behalf of the prisoner, opposed on the ground that these alleged convictions should be proved, the prisoner having denied them. His Lordship stated that the Crown prosecutor, not to prejudice the jury against Buckley, had avoided making the slightest reference to his previous infamous career, and that he supposed

from this fact that Buckley had never been in a court before. Believing, therefore, that the crime had been committed by an otherwise innocent man, he had imposed a comparatively light sentence of five years, but now he would annul that sentence, and impose instead fifteen years in the penitentiary at hard labor.

Judge Dugas, on Sept. 29, in declining to endorse a bench warrant issued by the Police Magistrate at Toronto for the apprehension of one James Baxter, who had failed to obey a subpœna as a witness, made a very serious charge against some of the magistrates of Ontario. He observed :—" I must say that, leaving the personality and the interests of Mr. Baxter aside, it is with a certain amount of regret that I find myself under the obligation of refusing the endorsement asked for. It is a well-known fact that in the city of Toronto, and in some minor towns in that vicinity, a systematic understanding seems to have existed amongst certain judicial functionaries to refuse their help to the execution at those places of warrants signed by magistrates of the Province of Quebec. In referring to this delicate point I have in no way in view a certain case wherein I may have been personally interested, and which I admit offered some difficulty. There are unfortunately other cases of late years where warrants issued in the province of Quebec have been treated with contempt by the judicial functionaries of those places. We have known an instance where as many as twenty-one justices had to be seen, before the lawyer in charge of the warrant could get a hearing and obtain the required endorsement, at least, so the learned counsel engaged in the case informed me. And this is not to be wondered at when it is known that a private circular has been addressed by a high judicial functionary to the minor justices of the peace, advising them not to take cognizance of warrants coming from the province of Quebec. Matters are now in such a state that my colleague and myself hesitate to sign warrants to be executed in those places, and we refuse to do so unless the private prosecutor takes the risk of the expenses to be incurred. Notwithstanding this treatment, we are far from being inclined to retaliate, and I would be very sorry if my present action were considered in that light. Our only guides are the law and our conscience, not our feelings, and we find ourselves in duty bound to facilitate the due administration of justice within the whole Dominion. Whenever documents are presented to us in a proper and legal form, no obstinate obstruction will be offered on our part to their execution." This is obviously a very grave accusation, and in the interest of the administration of justice, calls for the fullest investigation.

CIRCUIT COURT.

AYLMER, (dist. of Ottawa,) Sept. 21, 1888.

Before WURTELE, J.

SEER v. TREAU DE CŒLI.

Slander—Words of suspicion—Uttered in good faith to a detective officer.

HELD:—*That words of suspicion only, addressed, without malicious intent and with probable cause, to a detective officer, by a person whose house had been burnt down, against a person whom public rumor accused of being the man who had set the house on fire, are not actionable in themselves.*

PER CURIAM.—The action in this cause is one of defamation. The plaintiff charges the defendant with having maliciously and without probable cause, stated and published falsely in the French language: " que c'était " le père Louis Seer qui avait mis le feu à sa " bâtisse, étant payé par Louis Charette." He alleges that the defendant's house had been burnt down, and that by these words he meant to convey the impression that the plaintiff had feloniously set it on fire, and that he had been paid to do so by the other person mentioned; and that the slander had been uttered in the presence of one Groulx, a bailiff, and of many other persons.

The defendant pleads that his house had been burnt down by the act of an incendiary; that Louis Charette, the plaintiff's son-in-law, had been refused a hotel license by the Municipal Council; that the latter and the plaintiff had uttered threats against him,—the secretary-treasurer of the council;—that he had an interest to discover the incendiary;

but that he had never said that the plaintiff had set the fire and had been paid to do so.

It is established that there was every reason to believe that the defendant's house had been maliciously set fire to and burnt down; that both the plaintiff and his son-in-law had been heard to utter threats against the defendant; that at the fire, the plaintiff was generally suspected and said to be the incendiary; and that when he was publicly accused, in a bar-room on the night of the fire, of having set the house on fire, he had hung his head and had answered not a word.

The proof as to the words charged to be slanderous shows that, a few days after the fire, Mr. Groulx, who is a detective officer and was then engaged in investigating the case, had met the defendant coming out of his lawyer's private office in the City of Hull, and had asked him in the outer office if he suspected any one, and that he had replied, in the presence of those who were there, that he suspected the plaintiff, and that the plaintiff had been incited to set the house on fire by Louis Charette.

It is also proved that a rumor was generally current around the country side to the effect that the plaintiff was the incendiary.

The defendant contends that this rumor was a justification of his words; and the plaintiff maintains that an unfounded rumor does not justify a slander, but that, on the contrary, its repetition is in itself a fresh slander.

There is no doubt that the repetition of a slanderous rumor constitutes in itself a fresh slander, and renders the utterer liable in damages. But in the present case, the question is not one of justification, but whether the words addressed by the defendant to Mr. Groulx are, in the circumstances under which they were uttered, in themselves actionable? They were uttered in answer to a question asked by a detective officer seeking to discover a guilty party; and while no malicious intent has been proved, it has been shown that the defendant had probable cause, if not good reason, for the suspicion which he expressed. And no special damage has been proved to have been done to the plaintiff.

In Flood on Libel and Slander, at page 96, we read: "Words, however, of *bona-fide* suspicion only, or words of complaint made to "a proper authority—as to a policeman under "certain circumstances—and not uttered "with a malicious intent, or without proper "excuse, are not actionable in themselves, "nor are words which impute to another "only an intention on his part to commit a "crime. For instance, to say, *I believe that "fellow A means to swindle his partner and then "bolt*, would not be slander *per se*, that is, "without proof of special damage, for the "reason that it only expresses a suspicion "concerning it. The real question in all "cases of this kind is whether the defendant "meant by his language to impute an absolute charge of felony, or merely a suspicion "of felony. If the jury, from the circumstances before them, believe that the latter "only was intended, then their verdict must "be for the defendant."

This is the rule of law to be applied to the present case. I hold that the words uttered, having been addressed to a detective officer engaged in his occupation, and being words of suspicion only, spoken without malicious intent and with proper excuse, are not actionable in themselves; and that it would require proof of special damage, and that the words had been uttered wantonly if not maliciously, to render the defendant liable in damages.

Action dismissed.

Asa Gordon, for plaintiff.

Rochon & Champagne, for defendant.

CIRCUIT COURT.

HULL, (Co. of Ottawa,) Sept. 29, 1888.

Before WURTELE, J.

ANTILLE v. MARCOTTE.

Slander—Moral injury—Action of father in his own behalf for charge of fornication against minor daughter.

HELD:—*That a father, whose minor daughter has been slandered by words imputing that she was guilty of fornication, has an action of defamation on his own behalf against the slanderer.*

PER CURIAM.—The plaintiff avers that the defendant slandered and defamed his minor daughter Maria Théophita, by saying publicly that he had found her out, near the quarries of Hull, lying with a young man; and he

asks for exemplary damages for the injury thereby done to his own reputation.

The defendant pleads that the fact that a minor daughter has been defamed gives the father no right of action; and his counsel, at the argument, quoted, in support of this contention, Odgers on Libel and Slander, page 405. And there is no doubt that such is the rule under the common law of England.

But the principles which govern us here are those of the civil law, and not those of the common law. And the principle to be applied to this case is found in article 1053 of our Civil Code,—that every one is responsible for the damage caused by his fault to another. The words imputed to the defendant are proved to have been uttered by him. They are injurious, and of a nature to affect the reputation of the young girl, and consequently they must have caused damage to her; and they are therefore actionable. But have they likewise done damage to her father? If they have, then, under the article of the Civil Code which I have just mentioned, he has an action on his own behalf as well as his daughter on hers.

A father is bound, in bringing up his children, to educate them and to inculcate on them such principles as will induce them to live as decent members of the community; and they are subject to his authority until their majority. A father is consequently answerable for the faults of his minor children, and any slander imputing disreputable conduct to any of them is a reflection on his own conduct in bringing them up and in looking after them; and the esteem and respect in which he is held can be affected by the conduct of the minor children whom he has trained in the way they should go, as well as by his own conduct. And a slander imputing fornication to a young girl must cause a moral injury to her father.

Does an action lie for a moral injury as well as for material damages? Under our system of jurisprudence there is no doubt of it. "Le dommage moral donne droit à in-"demnité comme le dommage matériel." Sirey, Codes annotés, Art. 1382, No. 23. And Laurent, Vol. 20, No. 395, says: "Tout dom-"mage doit être réparé, le dommage moral "aussi bien que le dommage matériel."

The next point is,—who has a right of action for damages arising from moral injury, such as in the present case? The answer to this query is that whoever is injured by an illicit act has the right to recover damages. Laurent, Vol. 20, No. 534, quoting a judgment of the Court at Montpellier, says: "Le fait dommageable ouvre une action en "dommages-intérêts au profit de toute per-"sonne qui a souffert un préjudice direct ré-"sultant de ce fait."

Now, as I have already stated, the esteem and respect which are due to the good conduct of father, mother and children are common to all, and a father's honor and reputation cannot but be hurt by a slanderous imputation against the character of his minor daughter. He suffers a moral injury, and he therefore has an action of damages on his own behalf against the slanderer. Sourdat, in his treatise on Responsibility, Vol. 1, Nos. 35 to 37, after giving the general principles which I have just explained, says in express words that a father can maintain an action of damages on his own behalf against the slanderer of his minor child; and Aubry & Rau, Vol. 4, No. 445, also say: "Les parents "ont une action personnelle en dommages-"intérêts, à raison des injures faites à leurs "enfants." And Laurent, Vol. 20, No. 398, goes further, and even gives the father an action with respect to his children who are of age.

Injury to one's honor and reputation cannot be gauged by an exact money measure, and must necessarily be left to the estimation of the judge, who should be guided by the animus of the slanderer, the gravity of the slander, the social position of the parties, and the means of the defendant. In this case the parties are respectable people who belong to the lower walks in life; but the defendant is a poor man, and he appears to have used the slanderous words thoughtlessly, and not with express malicious intent. I believe, moreover, that the plaintiff seeks vindication and not money in this suit. Under these circumstances I will only condemn the defendant to pay $20 for damages.

Judgment for Plaintiff.

Rochon & Champagne, for plaintiff.

Major & McDougall, for defendant.

APPEAL REGISTER—MONTREAL.

Saturday, September 15.

Motions continued to Monday.

Monday, September 17.

Pickford & Dart.—Motion for appeal to Privy Council granted; security already given.

Grogan & Dolan.—Motion for *congé d'appel*; granted as to costs.

Robillard & Banque Jacques Cartier.—Heard. C.A.V.

Ryan & Lanctot.—Case settled out of court; record ordered to be remitted to court below.

Guyon & Chagnon.—Heard. C.A.V.

Gareau & Cité de Montréal.—Heard. C.A.V.

Gilman & Exchange Bank of Canada.—Part heard.

Tuesday, September 18.

Robinson v. Canadian Pacific Railway Co.—Motion by defendants for leave to appeal from interlocutory judgment. C.A.V.

Evans & Lemieux.—Motion to put exhibit in the record. C.A.V.

Longtin & Robitaille.—Motion to have the record completed. C.A.V.

Baxter & Mail Printing Co.—Motion for leave to appeal from interlocutory judgment. C.A.V.

Gilman & Exchange Bank of Canada.—Hearing concluded. C.A.V.

Montreal City Passenger Railway Co. & Bergeron.—Heard. C.A.V.

Wednesday, September 19.

Longtin & Robitaille.—Motion to complete the record, granted without costs.

Evans & Lemieux.—Motion to put exhibit in the record, granted without costs.

Robinson v. Canadian Pacific Railway Co.—Motion by Railway Co. for leave to appeal from interlocutory judgment, rejected.

Cadwell & Shaw.—Heard. C.A.V.

Bruce & Rowat.—Heard. C.A.V.

Thursday, September 20.

Holland & Mitchell.—Heard. C.A.V.

Haight & City of Montreal.—Part heard.

Gillies & Whelan.—Part heard.

Friday, September 21.

Gillies & Whelan.—Hearing concluded. C.A.V.

Haight & City of Montreal.—Hearing concluded.—C.A.V.

Downie & Francis.—Heard.—C.A.V.

Brossard & Canada Life Assurance Co.—Part heard.

Saturday, September 22.

Baxter v. Mail Printing Co.—Motion of defendants for leave to appeal from interlocutory judgment, rejected without costs.

Montreal Street Railway Co. & Ritchie.—Motion for leave to appeal from interlocutory judgment, rejected.

Trudel & Viau.—Motion for leave to appeal from interlocutory judgment, granted.

Robillard & La Banque Jacques Cartier.—Judgment reversed with costs.

Pontiac Junction Railway Co. & Brady.—Judgment confirmed, Cross, J., *diss.*

Canadian Pacific Railway Co. & Little Seminary of Ste. Thérèse.—Judgment confirmed, Cross, J., *diss.*

Labelle et al. & Honey et al.—Judgment confirmed.

Brossard & Canada Life Assurance Co.—Hearing continued.

Monday, September 24.

Canada Shippiny Co. & Mitchell.—Motion for leave to appeal from interlocutory judgment. C.A.V.

Canada Shipping Co. & Globe Printing Co.—Motion for leave to appeal from interlocutory judgment. C.A.V.

Martin & Labelle.—Motion to suspend proceedings until *instance* be taken up. C.A.V.

Senecal & Beet Root Sugar Co.—Motion to have the record remitted. C.A.V.

Brossard & Canada Life Assurance Co.—Hearing concluded. C.A.V.

Ouimet & Canadian Express Co.—Heard. C.A.V.

Banque Ville Marie & Mallette.—Heard. C.A.V.

Tuesday, September 25.

Powers & Martindale.—Petition for *reprise d'instance*, granted by consent.

Boyer & Normandin.—Motion for leave to appeal from interlocutory judgment. C.A.V.

Roch & Corporation of St. Valentin.—Petition to have the record completed. C.A.V.

Lachute Town Corporation & Burroughs.—Application for precedence refused.

Thurston & Viau.—Heard. C.A.V.

Racine & Morris.—Heard. C.A.V.

Chapman & La Banque Nationale.—Heard. C.A.V.

Dean & Drew.—Heard. C.A.V.

Wednesday, September 26.

Bonneau & Circé.—Motion to complete security, granted.

Howard & Yule, & Riddell & Bertrand.—Heard on petition for leave to appeal from interlocutory judgment. C.A.V.

Stefani & Monbleau.—Application for precedence; action to quash license certificate granted by Council of Town of St. John's. Granted.

Jones & Fisher.—Heard. C.A.V.

Thursday, September 27.

Senécal & Beet Root Sugar Co.—Motion to have the record sent down, rejected.

Martin & Labelle.—Motion for suspension of proceedings until the *instance* be taken up by the *cessionnaire* of the respondent, rejected.

Roch & Corporation de la paroisse de St. Valentin.—Petition to have record completed, rejected.

Canada Shipping Co. & Mitchell.—*Délibéré* discharged.

Canada Printing Co. & Globe Printing Co.—*Délibéré* discharged.

Boyer & Normandin.—Petition for leave to appeal from interlocutory judgment rejected.

Beauchamp & Champagne.—Judgment confirmed, each party paying his own costs of *enquête* and printing depositions, except as to the first three witnesses.

Thurston & Viau.—Judgment confirmed.

Pickford & Dart.—Motion that the leave granted to appeal to Privy Council be revoked. Motion rejected without costs.

Montreal Street Railway Co. & Ritchie.—Motion to reduce the amount of the security. C.A.V.

Hobbs & Montreal Cotton Co.—Appeal dismissed for not proceeding within the year.

Fletcher & Mackay.—Do.

Whitfield & Atlantic Railway Co.—Do.

Legris & Fullum.—Do.

Dufresne & Paré.—Do.

Galbraith & Saunders.—Do.

Scott & Chapman.—Do.

The Queen v. Sheriff.—Two reserved cases. No. 84, conviction maintained. No. 85, conviction quashed.

The Court adjourned to Nov. 16.

THE LEGALITY OF COMBINATION.

The spirit of the times is steadily pressing on the courts questions, in various forms, of the first importance to the prosperity of the country and the welfare of society growing out of the great advances made in the art of organization. It is beyond our function, of course, to discuss the political, economic or social bearings of these questions. On those aspects, opinions differ in our profession as in others. But the legal principles involved and the progress of judicial discussion and decision upon them are of equal interest to all the profession of whatever opinions.

In the present stage of the forensic discussion of this subject, the situation seems to be fairly stated thus: In the name of the interests of labor it is claimed in various forms, and particularly by those engaged in the organization of labor, that combinations of men for the purpose of increasing the price of labor are lawful; but that combinations of men for the purpose of increasing the price of commodities produced by labor are not lawful. In effect this is to say that combinations tending to increase cost price are legal: combinations tending to increase selling price are not legal, unless within the category of combinations to increase cost price.

On the other hand, it is claimed in the interest of capital, though perhaps with less distinctness,—and to a great extent the claim is not so much in words as implied in conduct—that combinations of men to increase wages, although conceded to be lawful (when not carried to the point of violence or intimidation), are unlawful if resorting to intimidation in any form or to boycotting; and that if they transcend that limit, even to go so far as a peaceful, concerted refusal to deal with those whom it is sought to influence unless they will yield, they are illegal; but, at the same time, that combinations of men to increase the selling price are not rendered unlawful even by refusal to sell to those whom

it is sought to influence, nor by combining to undersell them for the purpose of destroying their competition in order afterward to raise the selling price.

The law exists for the purpose of holding the scale of equal justice between such contentions as these. It is not easy for one looking upon these questions with the interest of a jurist, to believe that the courts will announce any conclusion inconsistent with itself. The ultimate result must necessarily be, so long as jurisprudence stands upon its present foundation, to define a rule upon the question of legality of combination, which will be consistent with itself and equal in its justice to all classes and interests. Whatever may be the current of public discussion, no one familiar with the foundations of the law in this country can expect that intimidation, which has within the present generation been rendered absolutely and forever illegal on the part of masters and employers, will be legalized on the part of employees; nor can it be expected that the law will sanction boycotting for the purpose of raising the price of services, and condemn it for the purpose of raising the price of merchandise, unless some new distinction as yet unrecognized is shown to have a substantial and legal existence. On the other hand, it cannot be expected that combinations of sellers to ruin the business of another seller will be legalized, while combinations of workers to stop the employment of another worker or ruin the business of an employer are not legalized.

However separate and distinct, therefore, these questions may appear to be in a business point of view, and however different may be the interests of the classes concerned in them, the legal questions which they involve are necessarily for the most part, if not wholly, identically the same.

Where the line will be drawn by the courts, as the final result of the full litigation of these questions now going on in various forms, is yet uncertain. The point of professional interest to which we now advert, is the necessary probability that the course of decision will tend to finally settling one simple general rule applicable to all the varied aspects of the subject.—*New York Daily Register.*

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Oct. 13.

Judicial Abandonments.

George F. Chisholm, trader, Montreal, Oct. 8.

Clerk, Terroux & Co., merchants, Montreal, Sept. 29.

Davies & Morris, contractors and builders, Sherbrooke, Oct. 5.

James Guest, wine merchant, Montreal, Aug. 14.

Brodie Jamieson, varnish manufacturer, Montreal, Sept. 24.

A. Renaud & Cie., merchants, Montreal, Oct. 8.

Curators Appointed.

Re Clerk, Terroux & Co.—Kent & Turcotte, Montreal, joint curator, Oct. 10.

Re Mary Amelia Stobbs.—John Ryan, Three Rivers, curator, Sept. 22.

Re Jules B. Fortin.—C. Desmarteau, Montreal, curator, Oct. 10.

Re Alphonse Gravel.—Kent & Turcotte, Montreal, joint curator, Oct. 10.

Re James Guest.—A. F. Riddell, Montreal, curator, Aug. 14.

Re Jenkins & Co., Stanstead Junction.—S. C. Fatt, Montreal, curator, Oct. 10.

Re Jenkins & Parker, Stanstead Junction.—S. C. Fatt, Montreal, curator, Oct. 10.

Re Legendre & Leblanc, traders, Kamouraska.—H. A. Bedard, Quebec, curator, Oct. 6.

Re Henry J. Lyall, Sorel.—J. B. Hutcheson and W. J. Lunan, Sorel, joint curator, Oct. 5.

Re Edward Murphy.—C. Desmarteau, Montreal, curator, Oct. 10.

Re J. Rasconi & Co., Pierreville.—A. A. Taillon, Sorel, curator, Oct. 5.

Re Thomas Cantwell Struthers, Russeltown.—John Boyd, St. Chrysostôme, curator, Sept. 29.

Dividends.

Re Walter W. Beckett *et al.*— First and final dividend, payable Oct. 31, A. McKay and J. J. Griffith, Sherbrooke, joint curator.

Re Onésime Boulianne, Tadousac.—Third dividend, payable Oct. 24, T. Lawrence, Quebec, curator.

Re J. E. Clement & Co.—First and final dividend, payable Oct. 26, Bilodeau & Renaud, Montreal, curators.

Re Philomène Keroack, (V. Coté & Cie.).—First and final dividend, payable Oct. 28, J. O. Dion, St. Hyacinthe, curator.

Re J. E. Godin.—Dividend, payable Oct. 21, F. Valentine, Three Rivers, curator.

Re Marcotte, Perrault & Co.—First and final dividend, payable Oct. 29, J. McD. Hains, Montreal, curator.

Re Pierre Ricard, Coaticook.—First dividend, payable Oct. 28, C. Desmarteau, Montreal, curator.

Separation as to property.

M. L. Elmina Achin vs. Isidore Trudeau, St. Hyacinthe, March, 1888.

Marie Célina Cloutier vs. Frs. X. Bilodeau, Montreal, Oct. 11.

Cécile Dion vs. Louis Napoléon Poulin, travelling agent, Montreal, Oct. 1.

Emma Mathieu vs. David Léonard, Montreal, Oct. 5.

Délia Mesnard dit Bonenfant vs. Napoléon Leroux, Montreal, June 26.

Mary Anne Mory vs. Joseph Fontaine, Montreal, Oct. 11.

Rosa Ellen Morse vs. David H. Cameron, Township of Barnston, Oct. 6.

Marie Anctil dit St. Jean vs. Pierre Castonguay, Jr., farmer, parish of St. Antonin, Sept. 17.

Marie Sarah Eugénie Taylor vs. James McKay, St. Polycarpe, Oct. 1.

Quebec Official Gazette, Oct. 21.

Judicial Abandonments.

Abraham Goyette, township of Barford, Oct. 13.

Grignon & Levesque, roofers, Montreal, Oct. 15.

Curators Appointed.

Re Dame T. Bryson and J. G. Bryson, district of Ottawa.—Kent & Turcotte, Montreal, joint curator, Oct. 11.

Re George F. Chisholm, baker, Montreal.—S. C. Fatt, Montreal, curator, Oct. 17.

Re Horace A. Gagné, trader, Fraserville.—H. A. Bedard, Quebec, curator, Oct. 17.

Re "Canada Cigar Box Factory."—W. A. Caldwell, Montreal, liquidator to partnership between Samuel Davis *et al.* and John Gerhardt, Oct. 8.

Re Gaspard Painchaud, Montreal.—Kent & Turcotte, Montreal, curator, Oct. 17.

Re A. Renaud & Co., Montreal.—Thos. Darling, Montreal, Curator, Oct. 17.

Dividends.

Re Labissonière & Lanouette, Batiscan.—First dividend, payable Nov. 12, Kent & Turcotte, Montreal, joint curator.

Re F. Quesnel, Montreal.—First dividend, payable Nov. 20, Kent & Turcotte, Montreal, joint curator.

Separation as to property.

Delphine Legault dit Deslauriers vs. Venant Théoret, Jr., Montreal, Oct. 15.

Marie Alphonsine Renaud vs. Joseph Forest *alias* Morin, Montreal, Oct. 16.

GENERAL NOTES.

In Newgate.—A well-known member of the Chicago Bar, who visited London during the present summer, among the sights took in the famous Newgate prison, whence so many prisoners, in times past, went forth to die upon the scaffold. He expressed a wish to his English guide to go inside one of the cells and see how it looked. The Englishman said "Certainly." The Chicago lawyer had no sooner entered the cell than the Englishman quietly shut the door, locked it and walked away. The lawyer at first thought he would be liberated in a few minutes. He lighted a cigar and commenced smoking. But when half an hour had passed and no one came he called aloud for help and kicked the door as if he would kick it down, but no one heard his cries; if they did, they were not heeded. After more than an hour had passed, the keeper came and wanted to know what in the world the prisoner was kicking up such a row for. The lawyer was told that the rules of the prison were so strict that no matter how a person came to be locked up in a cell he could only be discharged upon a ticket of leave, which could only be obtained from the prison authorities. The ticket was soon obtained. The guide then told the lawyer if he had seen enough of their English sweat box he was entitled to his discharge, and that twelve men who had been confined in that cell had been hung for crimes against the State. The matter was finally settled to the satisfaction of all concerned by the lawyer, the keeper and the guide over a glass of half-and-half.—*Chicago Legal News.*

Negligence in Tobogganing. — On February 15, before Mr. Justice Manisty and a common jury, the case of *Steel* v. *The International Tobogganing Company* was heard. It was an action to recover damages for injuries sustained owing to the alleged negligence of the defendants. The plaintiff was a married woman, and it seemed that on July 26, she got into one of the defendants' toboggans at the Crystal Palace with two other female friends. None of the three knew that the car required steering, nor were they told of it by the defendants' servants. The result was that in the descent the car swerved from side to side, and the plaintiff, who was seated in the middle, was brought into violent contact with a lamppost, which was only a foot from the slide, receiving severe injuries to her head. The case for the defendants was that the accident arose from the negligent steering of the car; that one of their servants offered to steer, but the offer was refused; and that, although the lamppost was so close, there was ample room for the car to pass with safety, provided the passengers sat still and did not sway from side to side.—The learned judge left it to the jury to say whether the lamppost from its position was dangerous, and if it was, whether it was the sole cause of the accident. The jury found a verdict for the plaintiff, and assessed the damages at 130*l.* The plaintiff in her statement of claim had demanded 100*l.*, but the learned judge said he would allow this to be amended, as, in his opinion, the verdict was most reasonable. Judgment accordingly.

L'Amour de la prison.—A Saumur vit un vieux mendiant, nommé Delanoue, que le Tribunal correctionnel a déjà condamné plusieurs fois pour mendicité.

Une dame X.. avait l'habitude de lui donner chaque semaine quelques sous. Or, un soir, en rentrant chez elle après une promenade, elle s'aperçut que deux billets de banque, l'un de 100 fr., l'autre de 50 fr., qu'elle était certaine, disait-elle, d'avoir laissés dans un tiroir où elle mettait ordinairement l'argent qu'elle donnait à Delanoue, avaient disparu.

Delanoue fut aussitôt soupçonné. Malgré ses dénégations, des voisins dirent l'avoir vu entrer dans la maison, et il fut condamné à six mois de prison.

Quelque temps après, la dame X. retrouva les billets dans une petite boîte. Elle se rappela alors parfaitement les circonstances dans lesquelles elle les avait mis là, et, désolée de l'oubli qu'elle avait commis, elle se hâta de prévenir la justice.

M. Peysonnié, procureur de la République, alla trouver Delanoue, pour l'inviter à faire appel; mais celui-ci s'y refusa, se trouvant bien en prison. Le procureur fut obligé de faire lui-même appel.

La Cour d'Angers vient d'infirmer le jugement de condamnation prononcé contre le vieux mendiant.