The Legal News.

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An impression seems to exist that the administration of justice in this province, and the efficiency of the Court of appeal, do not receive the attention which the importance of the subject deserves. This impression, unfortunately, was strengthened when the Court assembled for the November term, with only half its members and one assistant judge, to face a roll of eighty-eight cases. The effects of a weak Court were soon apparent when, in one case requiring dispatch, the Court, after a long argument, was unable to render any judgment in consequence of an equal division of opinion, and the time occupied with the case was found to be so much abstracted to no purpose from the hours available for the dispatch of business. Then, too, there was a reluctance—a very natural reluctance—on the part of counsel, to proceed with the argument of important cases which might end in a similar division of opinion, and require another hearing. This was the result of a rather unusual conjunction of untoward circumstances—the fact that two of the members of the Court were disabled at the same time by illness, and that the Chief Justice was withdrawn from his Court in order to hold the Criminal Term. A supplementary judge, it is true, was named to take the place of Mr. Justice Tessier, but the appointment was not made in time to permit him to take his seat before the close of the term. Under these circumstances the intervention of the legislature is not surprising, and a bill, we understand, has been introduced, the features of which will doubtless receive fair consideration from the many able members of the bar who have seats in the legislative body. It seems to be matter for regret that the Chief Justice should be withdrawn from the more immediate duties of his Court during a whole month, to try criminal cases which might efficiently be disposed of by some other mode. The rapid growth of population in the city and district of Montreal inevitably brings with it a large increase of criminal business. It may be expected that this business will continue to increase. The question seems to be whether an additional judge shall be appointed to the Queen's Bench, so as to leave one member of the Court always available for the criminal terms, or whether a special criminal Court shall be created in this great centre of population, with a special judge free to devote his whole attention to the business. It is easy to suggest objections to any scheme put forward, but, in the interest of the great body of suitors, it is to be hoped that the difficulty will receive careful consideration, and that a way will be found to avoid the deadlock witnessed last month.

The authority of the schoolmaster has been somewhat restricted since the time of Dr. Johnson, if we may judge by the following extract (Boswell's Life of Johnson, vol. 2, pp. 89-90): "The government of the schoolmaster is somewhat of the nature of a military government—that is to say, it must be arbitrary; it must be exercised by the will of one man according to particular circumstances. A schoolmaster has a prescriptive right to beat; and an action of assault and battery cannot be admitted against him unless there be some great excess, some barbarity. In our schools in England many boys have been maimed, yet I never heard of an action against a schoolmaster on that account." That is not the accepted doctrine of the present age, nor is it the doctrine of our Civil Code (Art. 245). The recent case, in Montreal, of *Lefebvre* v. *Congrégativn des Petits Frères* (M.L.R., 6 S.C. 430) is an illustration. It was therein held by Davidson J., that a schoolmaster is not justified in seizing and holding a child of tender years by the ear, in order to compel him to kneel down, notwithstanding his efforts to free himself. All punishments are prohibited which may result in serious or permanent injury to the pupil. As Dr. Wharton, in his work on Criminal Law, puts it: "The law confides to schoolmasters and teachers a discretionary power in the infliction of punishment upon their pupils, and will not hold them respon-

sible unless the punishment be such as naturally to occasion permanent injury to the child, or be inflicted merely to gratify their own evil passions." In another recent case, *Boyd* v. *State*, before the Supreme Court of Alabama, 7 So. Rep. 268, a similar principle was enunciated by the Court. In this case, in which a schoolmaster was tried for assault and battery committed upon a pupil of 18 years of age, the evidence showed that after a severe chastisement inflicted in the school-room, the defendant followed the pupil into the school-yard, and struck him with a stick, and then "put his hands in his pocket as if to draw a knife;" that he "afterwards struck him in the face three licks with his fist, and hit him several licks over the head with the butt end of the switch." From these blows the eye of the boy was considerably swollen, and was closed for several days. The defendant was apparently very angry all the time, and very much excited; and after he got through with the whipping, he remarked, in an angry tone, in the presence of all the pupils and others, that he "could beat any man in China Grove beat." The Court held that there was ample room for the inference of legal malice, such as to justify a verdict of guilty.

EXCHEQUER COURT.

Nov. 4.

BURBIDGE, J.

THE SAINT CATHARINES MILLING AND LUMBER COMPANY, et al., Suppliants, v. THE QUEEN, Respondent.

Dominion Lands—Permit to cut timber—Implied warranty of title—Breach of contract to issue license.

1. A permit issued under the authority of the Minister of the Interior, under which the purchaser has the right within a year to cut from the Crown domain a million feet of lumber, is a contract for the sale of personal chattels, and such a sale ordinarily implies a warranty of title on the part of the vendor; but if it appears from the facts and circumstances that the vendor did not intend to assert ownership, but only to transfer such interest as he had in the thing sold, there is no warranty.

2. The Government of Canada by order-in-council authorized the issue of the usual license to the company (suppliants) to cut timber upon the Crown domain, upon certain conditions therein mentioned. The company did not comply with these conditions, but before the expiry of the year during which such license might have been taken out, proceedings were commenced by the Government of Ontario against the company, under which it was claimed that the title to the lands covered by the license was vested in the Crown for the use of the Province of Ontario, and that contention was ultimately sustained by the Court of last resort.

Held:—That there was a failure of consideration which entitled the company to recover the ground rent paid in advance on the Government's promise to issue such license.

Quære:—Will an action by petition, or on reference, lie in the Exchequer Court against the Crown for unliquidated damages for breach of warranty implied in a sale of personal chattels?

Nov. 17.

Present: BURBIDGE, J.

THE VACUUM OIL COMPANY, Suppliants, and THE QUEEN, Defendant.

Customs duties—"The Customs Act, 1883," secs. 68, 69, 198, 207—Money deposited in lieu of seizure—Market value—Waiver of notice of claim—Penalties—Prescription.

The company (suppliants) were manufacturers of oils, doing business at Rochester, New York. Their principal business in the United States was done directly with the consumer. For several years they did business from their office at Rochester directly with Canadian consumers. In some cases the purchaser paid the duty, and in others the company sold at a price including the duty and the cost of transportation. In the former case they charged the Canadian purchaser the price to consumers at their place of business in Rochester, and the oils were so invoiced and the duty paid on that value by the purchaser. In the latter case the price to the consumer at Rochester was taken as a basis upon which the price per gallon to the Canadian purchaser was made up, but the goods

were entered for duty at a lower value,—two sets of invoices being used, one for the purchaser in Canada, and the other for the company's broker at the port of entry.

Held:—That the oils were undervalued.

2. The company, having changed their manner of doing business in Canada, and having established a warehouse at Montreal, which became the centre and distributing point of their Canadian business, exported oils from Rochester to Montreal in wholesale lots. The invoices showed a price which was not below the fair market value of such oils when sold at wholesale for home consumption in the principal markets of the United States.

Held:—That there was no undervaluation.

3. When goods are procured by purchase in the ordinary course of business and not under any exceptional circumstances, an invoice disclosing truly the transaction affords the best evidence of the value of such goods for duty. In such a case the cost to him who buys the goods abroad is, as a general rule, assumed to indicate the market value thereof. It is presumed that he buys at the ordinary market value.

4. It is not the value at the manufactory, or the place of production, but the value in the principal markets of the country, *i.e.*, the price there paid by consumers or dealers to dealers that should govern. Such value for duty must be ascertained by reference to the fair market value of such or like goods when sold in like quantity or condition for home consumption in the principal markets of the country whence so imported.

5. Goods seized for fraudulent undervaluation were released upon a deposit of money. The importer made no claim by notice in writing under the 198th section of "The Customs Act, 1883," but there was no question that he claimed the goods. Subsequently he submitted evidence to show there was no ground for the seizure, and the Minister, having considered such evidence, and having heard the parties, acquitted the importer of the charge of fraudulent undervaluation, but found there had been an undervaluation of these and other goods. No proceedings were taken to condemn the goods within the three years mentioned in section 207 of "The Customs Act, 1883." On petition to recover the money deposit it was

Held:—That the Minister had waived the notice of claim required by section 198 of the said Act.

Quære:—Does section 198 apply to a case where money is deposited in lieu of goods seized?

6. The additional duty of 50 per cent. on the true duty, payable for undervaluation under sec. 102 of "The Customs Act of 1883," is a debt due to Her Majesty which is not barred by the three years prescription contained in sec. 207, but may be recovered at any time in a Court of competent jurisdiction.

Quære:—Is such additional duty a penalty?

CIRCUIT COURT.

MONTREAL, Oct. 15, 1890.

Coram OUIMET, J.

PETIT v. THOMPSON, and THOMPSON, opposant.

Procedure—Venditioni exponas.

HELD:—*That a copy of judgment or order attached to a writ of execution fi. fa. issued from the Circuit Court for the district of Montreal, and designated a writ of* venditioni exponas, *is not such a writ within the meaning of the C. C. P.*

The opposant Thompson filed an opposition to a pretended writ of *venditioni exponas* such as was issued from the Circuit Court, district of Montreal, on an order from Charland, J., alleging that the so-called writ was not a writ of *venditioni exponas* within the meaning of the law, and that the procedure was wholly irregular.

W. S. Walker, for opposant, cited Arts. 545, 662, and 663, C. C. P.; Lush's Practice, p. 520; Badgley's Practice, pp. 255 and 256; Stephen's Com. vol. 3, p. 585; C. S. L. C., Cap. 83, Sec. 169; Bouvier's Law Dict., p. 641.

OUIMET, J., was decidedly of the opinion that the present procedure of the Circuit Court of the district of Montreal, was objectionable and irregular, no matter what had been the custom in the past, and the writ of *venditioni exponas* which it had been the practice to issue by this Court, could not be looked upon or considered as such a writ within the

meaning of the law of this Province, and hence he would maintain the opposition with costs.

W. S. Walker, for opposant.

Chauvin & Chauvin, for plaintiff.

(W. S. W.)

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*SUPERIOR COURT—MONTREAL.**

Lease of house—Uninhabitable premises—Cancellation—Absence of protest—Mise en demeure—Want of diligence of lessor.

Held:—1. When leased premises are in such an unsanitary condition as to expose the lessee and his family to danger of disease, the lessee may abandon the premises without an antecedent judgment of the Court.

2. When a complaint about the unhealthy condition of the premises is well founded, it becomes a landlord's clear and immediate duty to relieve his tenant of danger to life and health, and he cannot shelter himself behind a demand for a sanitary inspector's report.

3. The landlord, before the institution of the action to resiliate the lease which was in notarial form, had been verbally notified of the highly unsanitary condition of the premises, and had received the sanitary inspector's written notice to put the premises in order, but refused to consent to a cancellation of the lease, and took no steps to repair the defective drains during the three months which intervened between the service of the writ and the trial of the case. *Held*, that under these circumstances the landlord could not complain of the absence of a notarial or other written protest putting him in default to repair the premises.—*Palmer* v. *Barrett*, Davidson, J., Oct. 13, 1890.

SCOTTISH LAW AND THE COLLEGE OF JUSTICE.

The distinctive architecture of Scotland, her municipal institutions, her methods and weapons of warfare, her trade and commerce, even her *cuisine*, are eloquent witnesses to the once paramount influence of France. But it was with the growth of Scots law that the ancient league played its strangest freaks. "When one dives," wrote Lord Kames (Essays I), "into the antiquities of this island, it will appear that we borrowed all our laws and customs from the English. No sooner is a statute enacted in England but upon the first opportunity it is introduced into Scotland, and accordingly our oldest statutes are mere copies of theirs. Let the Magna Charta be put into the hands of any Scotchman ignorant of its history, and he will have no doubt that he is reading a collection of Scots statutes and regulations." The influence of France interrupted this original concord, and made the basis of Scots law Roman instead of English. It gave to our northern neighbour that peculiar legal terminology which is so perplexing to English ears,[1] and moulded the Scottish judicature after the image of French judicial institutions. The "Dean of Guild" is the "Consul des marchands;" the "Lord Advocate," the "advocates-depute," and the "procurators-fiscal" are "ministères publiques;" while the Court of Session—called in relation to its members the "College of Justice"—is a reproduction in miniature of the Parliament of Paris.

Before we proceed to describe the present constitution of the College of Justice as a convenient preface to a series of short sketches of the lives of its principal members, we may profitably pause to notice the chief points of historical resemblance between the Scotch tribunal and its French original. Each was a committee of the legislative body, at first occasionally, then periodically, appointed to try certain civil cases, or report on matters of sanitary or municipal interest. In each, the former functions superseded the latter. The reporting ceased; the absolute exercise of the delegated powers continued. In each, the committee became permanent, while the assembly which had created it passed away. It was a repetition of the episode of the Comitia Tributa and the Quæstiones Per-

* To appear in Montreal Law Reports, 6 S. C.

[1] The following Scots law terms are of French origin: A bankrupt is "dyvour" (devoir); a barrister is an "advocate" (avocat); the solicitor becomes a "procurator" (procureur); a *feme sole* is "aneabil" (old French, anable); a judge arbiter is an "ansars" (anseors); to exonerate a defendant is to "assoilzie" him (absoillé); to attach for debt is to "compryse" (comprendre): the right to decline trial by a particular judge is "declinature" (déclinatoire); to bribe is to "creish" (graisser—*i.e.* oindre la palme).

petuæ (Journ. of Jurisp. vol. 30, p. 637). Although the name "College of Justice" would seem to be of Papal origin, its constitution, powers, privileges, and procedure were borrowed from France. Each of the Courts under consideration had a "president," a "dean" (dean of faculty—*doyen des avocats*), a "chancellor," "extraordinary lords" (French *pairs*), who were subjected to no test of qualification, "advocates" and "procurators." Each was stationary (*sédentaire*). In each, the judges were originally chosen in equal numbers from the spiritual and temporal sides. In each, candidates for judicial office were subjected to examination. The Scottish *Act of Sederunt* can hardly be better defined than in the words in which Meyer (*Institts. Judic.* II. c. 10) describes its French counterpart: "La faculté de disposer par arrêt non-seulement sur les causes et les intérêts particuliers portés à leur connaissance, mais aussi par voie de réglement pour tous les cas à venir." A senator of the College of Justice, like a judge in the Parliament of Paris, enjoyed the title of noble (*le titre de noble*), but in each case the nobility was personal and not hereditary. The Scottish, like the Parisian, judge, was exempt from certain taxes and from liability to discharge certain public duties. "On the institution of the College of Justice," says Stair (ii. 3, 63; iv. 1, 31), "appeals ceased." The decrees of the Parliament of Paris likewise were final (Bernardi, "Hist. de Legis. Franc.," 343). A minor analogy may be noted in the exclusion of the public from the proceedings of both tribunals. Finally, the Scotch, like the French, pleading consisted of five, and the same five, parts—viz. a preface, a narration of facts, a disposition of the pleader's and a confutation of his adversary's arguments, and a conclusion (cf. Sir George Mackenzie's "Idea of the Modern Eloquence of the Bar," pp. 28 and 43).

The external facts in the history of the College of Justice may now be briefly stated. Modelled by James V. after the Parliament of Paris, it was formally recognized in an Act of 1537 (c. 36). Its judges, who are called senators, were at first fifteen in number. The statute 11 Geo. IV. and 1 Wm. IV. c. 69, s. 20, reduced them to thirteen. The Court of Session, as at present constituted, consists of two chambers, the Inner and the Outer House. The former is subdivided into the "First Division" and the "Second Division," which exercise a concurrent appellate jurisdiction over the Outer House. The latter contains five Courts, each of which is presided over by a "Lord Ordinary." The remaining judges are divided between the two Courts in the Inner House. At the head of the First Division is the "Lord President," who is also styled the "Lord Justice General" in his capacity of chief member of the supreme criminal Court—"The Court of Justiciary." The *preses* of the Second Division is the "Lord Justice-Clerk."

The traditions of the College of Justice contain much that is ludicrous, and not a little that is brutal and shameful. It may be interesting to record a few incidents in the old judicial life of Scotland. Lord Eskgrove—a weak judge who flourished in the end of last century—was condemning a tailor to death for having murdered a soldier by stabbing him. His lordship thus summed up the aggravating circumstances: "And not only did you murder him, whereby he was bereaved of his life, but you did thrust or push or pierce or project or propell the lethal weapon through the belt of his regimental breeches, which were His Majesty's!" The same absurd person, before administering the oath upon one occasion to a lady who had come into Court to give evidence, deeply veiled, addressed her in the following terms: "Young woman! You will now consider yourself as in the presence of Almighty God and of this High Court. Lift up your veil, throw off all modesty, and look me in the face." One can pardon, however, the follies of Eskgrove, who was a mere "head without a name," and even the savagery of Braxfield—an eighteenth-century Jefferies—who is reported to have said with reference to the notorious prosecutions for sedition: "Let them bring me prisoners, and I'll find them law." But the student of early jurisprudence will read with surprise and regret the following anecdote about Lord Kames. At the Ayr Assizes in September, 1780, his lordship tried

for murder a man named Matthew Hay, with whom he had been in the habit of playing chess. The jury brought in a verdict of guilty. "That's checkmate to you, Matthew!" exclaimed the judge.—*Law Journal* (London).

DIVORCE IN CHINA.

The writer of the series of essays in the *North China Herald* on "The Natural History of the Chinese Girl" has some interesting observations on divorce in China, and its consequences to the wife. Chinese law, he says, recognizes seven grounds for the divorce of a wife—childlessness, wanton conduct, neglect of husband's parents, loquacity, thievishness, jealousy, malignant disease. The requisites for a Chinese wife are by no means sure to be exacting. A man in the writer's employ, who was thinking of giving up his single life, on being questioned as to what sort of a wife he preferred, compendiously replied, "It is enough if she is neither bald nor idiotic." In a country where the avowed end of marriage is to raise up a posterity to burn incense at the ancestral graves, it is not strange that childlessness should rank first among the grounds for divorce. It would be an error, however, to infer that these are ordinary occasions of divorce, simply because they are designated in the Imperial code of laws. It is always difficult to arrive at just conclusions in regard to facts of a high degree of complexity, especially in regard to the Chinese. But the truth appears to be that divorce in China is by no means so common as might be expected by one reasoning from the law. Probably the most common cause is adultery, for the reason that this is the crime most fatal to the existence of the family. But in every case of divorce there is a factor to be taken into account, which the law does not consider. This is the family of the woman, and it is a factor of great importance. It is very certain that the family of the woman will resist any divorce which they consider to be unjust or disgraceful, not merely on account of the loss of dignity, but for another reason even more powerful. In China a woman cannot return to her parents' house after an unhappy marriage, as is so often done in Western lands, because there is no provision for her support. The land is set apart for the maintenance of the parents, and after that has been provided for, the remainder is divided among the brothers. No portion falls to a sister. It is this which makes it imperative that every woman should be married, that she may have some visible means of support. After her parents are dead, her brothers, or more certainly her brothers' wives, would drive her from the premises, as an alien who had no business to depend upon their family when she belongs to another. Under this state of things it is not very likely that a husband would be allowed to divorce his wife except for a valid cause, unless there should be some opportunity for her to "take a step"—that is, to remarry elsewhere. Next to adultery, the most common cause of Chinese divorce is thought to be what Western laws euphemistically term incompatibility, by which is meant, in this case, such constant domestic brawls as to make life, even for a Chinese, not worth living. When things have reached this pitch they must be very bad indeed. Every one of the above-mentioned causes for divorce evidently affords room for the loosest construction of the facts, and if the law were left to its own execution, with no restraint from the wife's family, the grossest injustice might be constantly committed. As it is, whatever settlement is arrived at in any particular case must be the result of a compromise, in which the friends of the weaker party take care to see that their rights are considered.

Law Journal (London).

RETIREMENT OF LORD JUSTICE COTTON.

On November 11, before the Master of the Rolls and Lords Justices Lindley, Bowen, Fry, and Lopes, the retirement of Lord Justice Cotton from the bench having been formally announced, his colleagues in the Court of Appeal took the opportunity of publicly expressing their esteem and affection for him.

The Attorney-General and a considerable number of Queen's counsel and members of the junior bar were present.

The Master of the Rolls addressed the bar as follows: The words which I am about to

address to you are the considered words of every member of the Court of Appeal. They will thus have the greater weight. We have come into this Court, where Lord Justice Cotton so long presided, in order to make known to you all our deep sorrow at the greatest loss which could have happened to the Court of Appeal. Lord Justice Cotton has been obliged through ill-health to resign his high office, and his resignation has been accepted. His health broke down entirely from the strain put upon him by his assiduous, unswerving attention to his judicial duties. Lord Justice Cotton came to this Court straight from the bar. He was the undisputed leader, in fact, of the Chancery bar. We soon found that his knowledge of equity law was almost absolutely complete. Its principles, its practice, its details, its decisions its application he had always ready. His powers of exposition and explanation were lucid in the highest degree. What invaluable assistance such powers gave to us, his colleagues, none of you can fail to appreciate. As a great lawyer, his predominant virtue was accuracy. As a judge, his appreciation of law and facts was instantaneous, yet his theory, often pressed upon us, or some of us, always practised by himself, was that all counsel should be heard to the fullest limit of what they desired to say, not only to the extent of the Court being certain that it had heard all that could reasonably be urged, but so that the parties might be satisfied that all had been said to the Court which they desired should be brought to its attention. As a great judge, patience and justice were his predominant virtues. His knowledge, quickness, lucidity, and inexhaustible patience made him as great and just a judge as ever adorned the bench. I must point out something more. He came into this Court when the joint administration of the two systems of law and equity was still unformed. Two sets of judges of equal talent, equal independence, equal conviction, and equal pride were to be brought, if possible, without either side yielding to the other, to look at each of the systems with the same eyes. This could only really be brought about if each set, as to its own former system, would learn to regard it, not only as it had seemed to its practitioners before that it should be regarded, but also as it was regarded by the new minds now brought to bear more particularly upon it. The new point of view, the joint point of view, brought about by the fair contact of the two sets of minds, might be different from, but better than, either of the former and narrower points of view. Two remarkable equity judges—Lord Justice James and the late Master of the Rolls—had approved and acted upon this view. From the moment that Lord Justice Cotton found that all the members of the Court of Appeal were intent, not upon encroachment, not upon the alteration of either law, but only on the discovery of a joint appreciation of each, he adopted that desire without reserve, assisted its attainment by his unrivalled skill, and has helped us almost, if not quite, to realise it. In all ways we acknowledge with gratitude his superiority and his invaluable aid. We are here to testify our esteem and our affection, and, as I said at the beginning, our sorrowful sense that the Court of Appeal has suffered the greatest loss which could have happened to it.

The Attorney-General (Sir R. Webster, Q. C.), on behalf of the bar, replied: My Lord, —Nothing that I can say can add to the value of the graceful testimony which your lordship has given to the loss sustained by this Court. The profession is grateful to your lordship for allowing them, through my voice, the opportunity of expressing, on behalf of the bar, the regret which they feel at the retirement of the lord justice, and their sense of the loss which they have sustained. My lord, as I have said already, I cannot worthily add anything to that extraordinary tribute. I respectfully adopt, so far as the profession of the bar is concerned, every word that has fallen from your lordship; and yet, my lord, it may not be unfitting that in a very few sentences I should explain to your lordship, and through you to Sir Henry Cotton, whom I can no more address in public, the feelings which strike us as members of the profession from which he has now retired. My lord, the career of Sir Henry Cotton is one which might be a study to every public-school man, to every

public-school boy, to every university man, and to every student at the bar. Coming to us as a Newcastle scholar at Eton, gaining at Christ Church, Oxford, all but the highest honors, he has added a name to the almost endless roll of great names of which the two ancient foundations of Oxford and Cambridge proudly boast, and to the bar he brought that extraordinary industry, that wonderful clearness of reasoning, which has already been referred to more appropriately by your lordship. My lord, his career at the bar, at which for thirty years he practised, is known to all who hear me, and, as your lordship has already said, those who remember him there, and particularly who remember him as almost the leader, if not the leader, of the bar in the House of Lords and at the Privy Council, as well as in the Court of Chancery, will remember also the compliments worthily, deservedly, and frequently paid to the force of the arguments which he addressed to the Courts in which he was engaged. My lord, those who knew him felt then, as I feel now, that a more honorable advocate has never adorned the English bar. Then, my lord, upon the bench, called, as your lordship has said, at once from the bar to the position of a Lord Justice of Appeal, he, in that new field, fulfilled the expectations formed from his previous career. It strikes us—as it always struck us—that he was, as a lawyer, learned, clear, and accurate; as a judge patient and courteous; and as a man, considerate and forbearing. Your lordship, indeed, knows the strength which has been given to this division (if I may use the expression) of the Court of Appeal, since it has had the good fortune to have as its president Lord Justice Cotton. I should like to say one word, founded on intimate knowledge shared by bench and bar, that there was no member of our profession who more kindly guarded its best interests, or strove more earnestly to make it present to the young student every possible advantage so as to lead him to become a sound and skilful member of it. As I cannot speak to him again in public, I hope that some of your lordships may be able to convey to him in our own words this message of the bar, expressing our deep regret at his retirement, our appreciation of the loss which the bench has sustained by his withdrawal from it, and conveying to him for us this genuine expression of our earnest affection and esteem.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Nov. 22.

Judicial Abandonments.

Edmond Beaudry & Fils, traders Weedon, Nov. 17.
Napoléon Desjardins, baker Malbaie, Nov. 14.
Dumas & Lortie, traders, Hébertville, Nov. 17.
Zotique Garneau, trader, Quebec, Nov. 17.
Adèle Hardy, widow of Denis Tardif, trader, Quebec, doing business as A. Tardif & Cie., Nov. 14.

Curators Appointed.

Re Georges Amireau, farmer and trader, parish of l'Epiphanie.—J. S. Rivest, N.P., L'Assomption, curator, Nov. 10.

Re Beliveau & Archambault, importers, Montreal.—David Seath, Montreal, curator, Nov 13.

Re Thos. Corrigan, Montebello.—Kent & Turcotte, Montreal, joint curator, Nov. 15.

Re Louis Deschène trader, Rivière Ouelle.—P. Langlais, N.P., Fraserville, curator, Nov. 17.

Re Henriette Dompierre.—W. A. Caldwell, Montreal, curator, Nov. 15.

Re Elzéar Fortier.—C. Desmarteau, Montreal, curator, Nov. 15.

Re Evariste Gélinas.—C. Desmarteau, Montreal, curator, Nov. 18.

Re Moïse Lapointe.—C. Desmarteau, Montreal, curator, Nov. 15.

Re Telesphore Monpas, St. Pierre les Becquets.—Kent & Turcotte, Montreal, joint curator, Nov. 13.

Re A. J Morissette.—Bilodeau & Renaud, Montreal, joint curator, Nov. 17.

Re Charles Ouellette.—Bilodeau & Renaud, Montreal, joint curator, Nov. 15.

Re J. W. Richards, Montreal.—Kent & Turcotte, Montreal, joint curator, Nov. 18.

Re J. B. A. Trudel & Co., Montreal.—J. McD. Hains, Montreal, curator, Nov. 18.

Re J. E. Turgeon.—A. Quesnel, Arthabaskaville, curator, Nov. 14.

Dividends.

Re Etienne Beauchemin, trader, St. Monique.—First dividend, payable Dec. 10, C. Milot, St. Monique, curator.

Re A. Beauvais, Montreal.—First and final dividend, payable Dec. 15, Kent & Turcotte, Montreal, joint curator.

Re F. X. Billy, Victoriaville.—First and final dividend, payable Dec. 15, Kent & Turcotte, Montreal, joint curator.

Re Honoré Carrier, trader, Lévis.—First and final dividend. payable Dec. 9 G. E. Roy, Lévis, curator.

Re Jos Désaulniers —Dividend, payable Dec. 8, F. Valentine, Three Rivers, curator.

Re Catherine Dagenais, Rolland & Co —First and final dividend, payable Dec. 10, C. Desmarteau, Montreal, curator.

Re E. Donahue & Co., Farnham—First and final dividend, payable Dec. 9, A. W. Stevenson, Montreal, curator.

Re Joseph Landsberg, Sherbrooke.—First dividend, payable Dec. 10, Kent & Turcotte, Montreal, joint curator.

Re Pierre Plourde, Fraserville.—First and final dividend, payable Dec. 10, P. Langlais, Fraserville, curator.

Separation as to Property.

Eutitienne Champagne vs. Victor Trudel, farmer and trader, parish of St. Guillaume d'Upton, Nov. 3.

Rosalie Matteau vs. Edouard Larochelle, trader, parish of St. Nérée, county of Bellechasse, Nov. 18.