The Legal News.

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A question of considerable importance is discussed in *Allen & Hanson*, reported in the present issue. It is the first case, since the 47 Vict. (D.) ch. 39, amending the 45 Vict. (D.) ch. 23, in which the right to appoint a liquidator in Canada to a company incorporated in Great Britain, has been impugned, and it raises directly the question whether the Parliament of Canada exceeded its powers in passing the amending Act. The case of the *Briton Medical* Company may be mentioned as one in which a liquidator was appointed in Canada to an English company, but in that instance no objection was taken. *Merchants' Bank of Halifax* v. *Gillespie* (10 Can. S. C. R. 312) was a case before the 47 Vict. ch. 39, was passed, and the only question that had to be decided there was whether the 45 Vict., ch. 23, applied to a company incorporated in England. The Supreme Court held that the Act did not apply to such company, but two of the judges—Justices Strong and Henry—expressed the opinion, which in that case was *obiter dictum*, that the Dominion Parliament had no power to pass a law affecting the rights of shareholders incorporated under an Imperial Statute. Mr. Justice Cross in the present case of *Allen & Hanson*, takes the same ground, but the majority of the Court hold that a liquidator may lawfully be appointed under the Canadian Statute, which in this respect was not *ultra vires*. In view of the conflict of opinion the case naturally proceeds to the Supreme Court, where it will probably be argued in May.

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*Proudfoot* v. *Newton*, (59 Law J. Rep. Q. B. 129), says the *London Law Journal*, will long be resorted to as an authority for the meaning of 'good tenantable repair' in contracts of tenancy. It was there held that an outgoing tenant under a contract to leave a house at the end of a three years' tenancy is liable both for commissive and permissive waste, but need not repair anything worn out by age, so that he need not put up new wall papers where the old ones have worn out, nor repaint inside woodwork where painting is decorative only, and also that he need not clean or scour wall paper or whitewash ceilings. The Court has, in fact, drawn a sharp distinction between 'tenantable' and 'decorative' repair, and held that the latter kind of repair cannot be thrown upon a tenant unless it be expressly stipulated for, as it very frequently is, by an express undertaking to paint and paper every seventh year, or in the last year of the term. The official referees generally, it was stated in the argument, had not drawn this distinction, taking perhaps the very tenable view that by 'tenantable repair' is meant such a state of repair as would enable a landlord to relet a house at the same rent without being previously obliged to re-paper and repaint. But this view must now conclusively be taken to be a wrong one.

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## COURT OF QUEEN'S BENCH.

QUEBEC, February 7, 1890.

*Coram* DORION, Ch. J., TESSIER, CROSS, BABY, BOSSÉ, JJ.

HARRY ALLEN (*petitioner in Court below*), Appellant; and CHARLES A. HANSON et al. (*liquidators*), respondents; and THE SCOTTISH CANADIAN ASBESTOS Co. (Limited), Insolvent.

*Constitutional Law—Winding-up Act*, 45 *Vict.* (*D.*), *ch.* 23—47 *Vict.* (*D.*), *ch.* 39; *R.S. ch.* 129, *s.* 3—*Liquidation.*

HELD:—(CROSS, J., *diss.*) 1. *That a company incorporated under an Imperial Act, but doing business in Canada, can be wound up under the Canadian Winding-up Act as regards its assets in Canada, and that the* 47 *Vict.* (*D.*) *ch.* 39 (*R.S. ch.* 129, *s.* 3), *which provides that the Winding-up Act applies to incorporated trading companies "doing business in Canada, wheresoever incorporated," is not* ultra vires *of the Dominion Parliament.*

2. *Where a liquidator to the company was appointed in Scotland, and subsequently another liquidator was appointed in Canada under the Dominion Winding-up Act, that objection to the Canadian appointment*

*could not in any case be properly made by a shareholder, but by the Scotch liquidator only.*

The appeal was from two judgments rendered by the Superior Court, district of Arthabaska (BILLY, J.) May 7, 1889, appointing a liquidator to the estate of "The Scottish Canadian Asbestos Company (Limited)," under the provisions of the Winding-up Act, R.S., ch. 129, and rejecting the motion of the appellant made at the meeting of creditors held before the Court, to suspend and dissolve the proceedings.

Leave to appeal from these judgments was granted on the 21st of May, 1889.

Two "Winding-up Orders" were applied for in this matter; one was granted on the 19th of February, 1889, by Mr. Justice Plamondon, on the petition of Lucke & Mitchell; the second was granted on the 24th of March, 1889, on the application of James Baxter *et al.*, by Mr. Justice Billy.

At the first regularly convened meeting of the creditors of the company, the appellant, who is owner of stock in the company to the extent of £14,800 sterling, objected to the proceedings under the Canadian Winding-up Act, and petitioned to dissolve the proceedings, on the ground that the Court had no jurisdiction, that the Company being incorporated under the Imperial Joint Stock Companies' Act, could not be wound up under the Canadian Act, and he opposed the appointment of a liquidator. The appellant's motion was as follows:—

"That inasmuch as the said Company was "incorporated under the provisions of the "Joint Stock Companies' Act of the United "Kingdom of Great Britain and Ireland, "and is subject to the provisions of the "said Imperial Act as regards its status, "powers, and franchises, and the rights and "obligations of shareholders and contributories, and as regards all matters respecting its corporate capacity; and inasmuch "as the said Company is subject to the "laws of the United Kingdom of Great "Britain and Ireland, as regards its liquidation; and inasmuch as the Winding-up "Act of the Dominion of Canada does not "apply to the said Company; and inasmuch "as the said Winding-up Act, and all legis-"lation of the Parliament of the Dominion "of Canada, in so far as it relates or ap-"plies to the liquidation of the said Com-"pany, is *ultra vires* of the said Parliament "of the Dominion of Canada; that the pre-"sent meeting of creditors be dissolved, "and that the winding-up order and all pro-"ceedings had herein be set aside and de-"clared irregular and of no effect, saving to "the said Company and its shareholders "and creditors, all rights to which they may "be by law entitled."

The judgments merely rejected this motion, and appointed Charles A. Hanson and Edwin Hanson liquidators.

The principal question raised by the present appeal is whether the Company incorporated under the Imperial Act can be wound up under the Canadian Act, and whether the legislation of the Canadian Parliament providing therefor is within the powers of Parliament.

CROSS, J. (*diss*):—

On the 7th May, 1889, Mr. Justice Billy, holding the Superior Court at Arthabaska, granted the petition and motion of G. Lucke *et al.*, creditors, for the appointment of a liquidator to the Scottish Canadian Asbestos Company, limited, and thereupon appointed Charles and Edwin Hanson of Montreal, liquidators.

At the same time the same learned Judge rejected a motion made by the appellant Harry Allen to dissolve the proceedings.

From these judgments or orders Harry Allen has instituted the present appeal.

It appears by the record that the Scottish Canadian Asbestos Company (Limited) is a Joint Stock Company, incorporated under the Acts of the Imperial Parliament of 1862 and 1886, having its head office at the City of Glasgow in Scotland, its principal business having been carried on at Arthabaska in Canada, where its chief property and interests are situated, and that it has become insolvent, and that proceedings have been aken in Scotland for the winding up of its affairs, which has been ordered, and a liquidator appointed there before proceedings to that end were taken in Canada; also that Allen the appellant, a resident of New

York, U. S., is a large owner of shares in the company.

It further appears that the Scottish Canadian Asbestos Co. (Limited) obtained supplementary letters-patent from the Lieutenant Governor of the Province of Quebec, under Art. 4764 of the Revised Statutes of Quebec, and that the liquidator named in Scotland, acquiesces in the proceedings taken here under the Quebec Act.

The questions that arise under this appeal are:

1. Which of the liquidators have legally the control and possession of the assets and rights of the Scottish Canadian Asbestos Co. (Limited) in the Province of Quebec.

2. Whether the appellant Allen has the requisite quality or capacity to raise the question.

On the first question. A most reasonable rule, approved of by a number of authors of reputation, is that whether of companies or individuals when assets are principally in one jurisdiction and the domicil of the Company or owner of the estate to be wound up is in another, there should not be two insolvencies or winding-up proceedings, but that the domicil of the debtor should be the place where the winding-up proceedings should be carried out, and the courts of the country where the assets may be found should by comity recognize the title of the, to them, foreign liquidators and give effect in proceedings at his instance to realize the assets. It is generally conceded that this doctrine is qualified by an opposite rule when the question relates to lien or privilege affecting the property in the jurisdiction where found. All such liens, privileges or priority of right existing in the jurisdiction where the property may be placed have to be determined and enforced according to the law of that locality. The foreign liquidator cannot claim the property except subject to such priority. The local law with regard to priority of registration is also binding on the foreign liquidator.

The rule accords with the decisions of the courts in England and Scotland, not taking into account the jurisdiction which the statutory law there may have given the courts over foreign residents when found in England. See 3 Burges, Foreign and Colonial Law, pages, from 904 to 914 inclusive, and reference there to Lord Loughborough's opinion in *Hunter* v. *Potts*, 4 Phillimore, p. 544. Westlake (ed. 1880), pp. 142 and 125; Lawrence's Wheaton, p. 144 *et seq.;* Savigny, pp. 258 and 259, pp. 567 and 372 *et seq.* A. pp. 335 and 253. Bell's Commentaries on the Laws of Scotland, Vol. 2, p. 681, *et seq.;* Fiore, Droit International Privé, p. 568, *et seq.*, Nos. 373 *et seq.* to 378.

The rule above stated does not apply where there is a local law in conflict with its operation.

By Sect. 3 of Cap. 129 of the Revised Statutes of Canada, the law for the winding up of companies is made to apply to companies doing business in Canada wheresoever incorporated. There is no doubt the Scottish Canadian Asbestos Company (Limited) is included in this provision. It may, however, be a question whether this is a conflicting law, and whether if it be so it is *ultra vires* of the Dominion Legislature. As regards its being a conflicting law it may be urged with much reason that there cannot be two separate jurisdictions exercising the same functions simultaneously in the particular individual case. There is a possibility, however, of the one acting as auxiliary to the other, and until the objection was raised there could be no doubt that the local jurisdiction here could be availed of.

If even the liquidator in Scotland had the preferable right, he might consider it of the greatest advantage not to make his claim until the local liquidators had effectually gathered in the assets.

However this might be, and admitting for the sake of argument that the local law in question conflicted with the general, still, the question remains as to whether the local, that is the Dominion Law, is not *ultra vires* of the Dominion Legislature. This I find to be an extremely delicate question, but one for which we may fairly conclude we have a precedent by the Supreme Court in the case of *The Commercial Bank of Halifax* v. *Gillespie, Moffatt & Co.*,[1] for although the point was not there necessarily in

[1] 10 Can. S. C. R. 312.

question, yet from the freely expressed opinions of at least two of the judges, one other not expressing any dissent on this point, we may conclude that the opinion of the majority of that Court was that the legislation in question subjecting foreign joint stock companies to the winding-up process of Canadian courts, was *ultra vires* of the Dominion Legislature, especially in that it conflicted with the Imperial legislation directing such companies incorporated under the English Statutes to be wound up in Great Britain. I think in the present condition of the jurisprudence we should hold it to be so.

As to the second question, I cannot doubt the capacity of the appellant to make the objection and raise the question. In the case of the *Commercial Bank of Halifax* v. *Gillespie, Moffatt & Co.*, it was raised by a creditor. Allen is not a creditor but a large shareholder, and there might be a surplus over paying the debts in which he would have an interest. He has an interest to invoke the English law and courts rather than the Canadian, if he judges them more efficient to collect debts and settle questions as to contributories and as to other rights of the parties. He has such an interest as entitles him to be a party to the proceedings and therefore entitled to demand that they should be set aside as illegal. It has been contended that the supplementary letters-patent obtained in the Province of Quebec might give the necessary jurisdiction there. I do not think so. These were only to give effect to the charter under the Imperial Statutes.

On the whole I think the judgment should be to reverse the decision of the Superior Court and to set aside the winding-up proceedings.

DORION, Ch. J., for the majority of the Court:—

The appellant who is a stockholder of *The Scottish Canadian Asbestos Company, Limited*, now insolvent, complains of a judgment by which the respondents were appointed liquidators of the company under the provisions of the Dominion Winding-up Act, ch. 129 of the Revised Statutes of Canada.

The objection urged by the appellant, both here and in the Court below, is that the company was incorporated under the Imperial Companies Act, 1862–1886; that it is subject to the laws of the Imperial Parliament as regards its franchises, corporate capacity, and its liquidation; that the winding up Act of Canada does not apply to this Company, and that in so far as it purports to relate or apply to the liquidation of the company, it is *ultra vires* of the Parliament of the Dominion of Canada.

By the articles of association, the head office of the company was to be in Scotland, and it was provided that in case of dissolution, its affairs should be wound up in accordance with the provisions of the Imperial Companies' Act, 1862-1883; the principal business of the company was, however, to be carried on in Canada, and was, in fact, carried on in the Province of Quebec, and for that purpose the company obtained Letters Patent under Art. 4764 of the Revised Statutes of the Province of Quebec.

There is no doubt as to the insolvency of the company, which is in liquidation under proceedings now pending in Scotland.

The only question to be determined is whether the creditors of a company organized under the Companies' Act 1862-1886, of the Imperial Parliament, but doing business in the Province of Quebec, where it holds both real and personal property, can avail themselves of the provisions of the Winding-up Act, ch. 129 of the Revised Statutes of Canada, to realize the property of the company within the province of Quebec or within the Dominion, in order to secure the payment of their claims.

The provisions of the Winding-up Act of Canada are applicable: 1st, to insolvent companies. 2nd, to companies in liquidation or in process of being wound up.

They regulate the proceedings of our courts to enforce the rights of creditors and of shareholders on the property of such companies.

As they only relate to procedure, their operation is confined to property found within the territorial limits of the jurisdiction of the Courts authorized to enforce them. For the same reason, within such territorial limits, their operation can neither be re-

gulated nor restrained by any foreign legislation, Foelix, Droit International Privé, vol. 2, pp. 40, 41-42, Nos. 318, 319 and 320.

Story, Conflict of Laws, § 539, after citing the rule laid down by Boullenois, Pr. Gen. l. 2, pp. 2-3, that: "the laws of a Sovereign rightfully extend over persons who are domiciled within his territory, and over property which is there situated," adds:— "On the other hand, no sovereignty can ex- "tend its process beyond its own territorial "limits, to subject either persons or property "to its judicial decisions." Idem, § 549—§ 556. Having stated these general principles in relation to jurisdiction, (the result of which is, that no nation can rightfully claim to exercise it, except as to persons and property within its own domains,) etc., the same writer says: "It is universally "admitted and established, that the forms of "remedies, and the modes of proceeding, "and the execution of judgments are to be "regulated solely and exclusively by the "laws of the place where the action is in- "stituted; or, as the civilians uniformly ex- "press it, according to *lex fori*."

The same legislative authority which can prescribe the mode in which sheriffs and other judicial officers may attach, sell and dispose of the real and personal property of a debtor to satisfy the claims of his creditors, may also, without exceeding its powers, direct that the seizure, sale and disposal of the property, in this country, of incorporated companies, may take place by other officers acting under the orders and directions of the Courts; and this is what has been done by the Winding-up Act, enacted by the Dominion Parliament.

But it is said that the Winding-up Act, besides providing for the sale and distribution of the property of insolvent companies, when found in this country, also provides that a list of contributories shall be settled, their rights established, and that the business of the company shall cease, and that all transfers of shares and alterations in the status of the members of the company, after the commencement of the winding up, shall be void.

From the principle already stated, that the laws of sovereignty only extend over persons domiciled within the territory of the sovereign, and over property which is there situated, it is evident that the Dominion Parliament never intended to regulate, suspend, or dissolve by the Winding-up Act, any corporation existing under British or foreign authority, but merely to regulate their property and restrain their action in this country, which it undoubtedly had a right to do. The several legislative bodies in Canada can have no concern in what a foreign corporation may do elsewhere; they are only interested in protecting the rights of creditors of such corporation upon their property within this country, and more particularly the rights of their own citizens, and of resident creditors. There are in every statute enactments which do not apply to every case coming under its provisions; this does not destroy the effect of such enactments as are applicable to the particular case to be acted upon; and even if such enactments were *ultra vires*, the remainder of the Act would still remain in force, in so far as it is applicable to foreign corporations and their property in this country.

Our attention has been called, at the argument, to the case of *The Merchants' Bank of Halifax* v. *Gillespie, Moffatt & Co.*, 10 Supreme Court Rep., 312.

If I understand rightly the report given of that case, the only point raised by the parties and decided by the Court, was that the Winding-up Act, 45 Vict., ch. 23, Canada, did not apply to "*The Steel Company of Canada* (*Limited*)," incorporated in England under the Companies' Act, 1862-1867. This objection has been removed by the 47 Vict., ch. 39, which has declared that the Winding-up Act should apply to all incorporated companies doing business in Canada, no matter where incorporated. As this last Act was passed since the question was raised in the case of the Merchants' Bank of Halifax, there can now be no doubt as to the intention of Parliament to apply the Winding-up Act to foreign as well as to domestic incorporated companies. See also Revised Statutes, Canada, ch. 129, sect. 3, and sect. 108 § 5.

It is true, that two of the Honorable

Judges who sat in the case of the Merchants' Bank of Halifax, expressed doubts as to the authority of the Dominion Parliament to apply such a law to a company deriving its charter under an Imperial Statute, as this would be in conflict with the Imperial Act, 28 and 29 Vict., ch. 63.

It can hardly be contended that a declaration in the articles of association of a company incorporated in Great Britain, under the Imperial Companies Act, that the Company intend to carry on business in Canada, can have the effect of relieving the Company from the operation of Canadian laws as regards their property, and the dealings of such Company in Canada.

If this authority to carry on business in Canada had been conferred on the Company by a special Act of the Imperial Parliament, such enactment should be construed as permissive only, so as to enable the Company to do business elsewhere than in Great Britain, without forfeiture of its charter, and not as overriding the laws of Canada any more than the laws of any foreign country to which its operations might extend.

The Imperial Act 28 and 29 Vict., ch. 63, can only refer to such legislation by a colony as is inconsistent with the laws or statutes of the Imperial Parliament applying specifically to such colony.

The right not only of the Dominion Parliament, but also of the legislatures of the several Provinces of Canada, to legislate with regard to and impose conditions upon companies doing business in Canada, although incorporated under the provisions of the Imperial Statutes, was expressly recognised in the case of the *Queen Insurance Co.* v. *Parsons*, 4 Supreme Court Rep. 215, and L. R. 7 P. C. 96.

This very company, *The Scottish and Canadian Asbestos Co.*, had to obtain a license under 43-44 Vict., ch. 38, Quebec, before it could transact business in this country, and I am not aware that the authority to require such a license as well as licenses issued in the case of Insurance Companies, Rev. St., ch. 124, s. 4, has ever been questioned.

As to the rules of international law, which were invoked in the case of the Merchants' Bank of Halifax, they may have been applicable to that case, which arose in Nova Scotia, but they are foreign to the principles of the French law, which prevail in this province; and it is by the rules and principles of the French law, and not according to those of any international law not recognized here, that this case must be decided.

Foelix, Droit International Privé, t. 2, No. 347:—"En *France*, la jurisprudence maintient "rigoureusement, en cette matière, le prin- "cipe de l'indépendance des Etats; elle "refuse aux étrangers l'autorité de la chose "jugée, ainsi que l'exécution sur les biens et "sur la personne du débiteur qui se trouve "en France."

Idem, t. 2, No. 368—2 al:—"Ainsi, la déci- "sion étrangère qui accorde à une maison de "commerce également étrangère un sursis "(*moratorium*) aux poursuites de ses créan- "ciers, n'empêche pas qu'il soit pratiqué en "France des *saisies-arrêts* au préjudice de "cette même maison de commerce."

Idem, No. 368,—5e al. "L'étranger déclaré "failli dans son pays n'est pas toujours ré- "puté tel en France, et ses créanciers fran- "çais peuvent néanmoins le faire assigner "personnellement devant un tribunal de "France.

"Le concordat consenti à l'étranger par "les créanciers d'un failli étranger, et homo- "logué par les juges de son pays, ne peut "être opposé en France aux créanciers fran- "çais qui refusent d'y adhérer."

Laurent, Droit Civil International, t. 7, p. 239, No. 179: "Des meubles situés en France "et appartenant à un étranger sont saisis. "Quelle loi suivra-t-on, le statut personnel "de l'étranger ou le statut réel de la situa- "tion? Le statut réel, sans doute aucun, "tout le monde est d'accord."

Idem, No. 181, pp. 242, 243 et 244—No. 210, pp. 264-5—No. 211, pp. 265, 6, 7—Foelix, Droit International Privé, t. 2—No. 368, p. 206.—"Ainsi, en France, le jugement étranger ne "fera pas obstacle aux poursuites indivi- "duelles contre un failli déclaré tel par un "tribunal de sa patrie."

Demangeat, in his notes, p. 209 of same work, says: "Il va sans difficulté qu'un tri- "bunal français peut, suivant les cas, dé- "clarer la faillite d'un commerçant étranger;

" c'est là une mesure conservatoire. Il y a " plusieurs décisions en ce sens, etc."

Massé, Droit Commercial, t. 2, No. 809, p. 77.

Pardessus, Droit Commercial, No. 1488, bis. Merlin, Rep. Vo. Faillite & Banqueroute, sect. 2, par. 2, art. 10, *Idem*, Questions de droit, Vo. Jugement, § 14, and in fact all the French authors, without exception, are of opinion in accordance with the jurisprudence, that proceedings in insolvency in a foreign country, do not control either the movable or immovable property of the insolvent to be found in France, as against French creditors who are entitled to all the remedies secured by the French law against their debtors.

The Courts here, as in France, will recognize the proceedings of a foreign tribunal in matters of insolvency, to the extent of recognizing the capacity of assignees or trustees to represent the estate of bankrupts in this Province, when no adverse interest has been acquired in this country over such estate, otherwise they will only be allowed to claim property in the Province of Quebec, subject to all the equities and adverse rights of creditors and others, to be determined and settled according to our laws and not according to the laws of the country of the domicile of such insolvent. Article 1981, Civil Code.

It is contended here, that liquidators appointed in Scotland can alone dispose of the property in this country of the insolvent company, and that they have the right to remove the proceeds to Scotland in order to distribute such proceeds according to the laws of the domicil of the company. If this could be done the judgment which sanctioned their appointment would have conferred upon them greater powers than the insolvent company would have had. The company could never have removed or attempted to remove its property from this country, to the prejudice of the creditors here, without giving them the right to attach such property and prevent its being taken abroad (Art. 834, C. C. P.), and the contention that the assignees or liquidators, who are merely the legal administrators of the estate, could derive from a foreign judgment more authority over the property of the insolvent company than the company had, cannot be entertained here.

Another difficulty arises about the real estate of the company in this Province. Are the Scotch liquidators seized of that property as well as of the personal estate, by virtue of their appointment in Scotland, and if not, how is that property to be dealt with, except under the orders and rulings of our own Courts, and through such officers as they may choose to appoint under the laws of this Province?

But supposing the liquidators in Scotland had all the authority which is claimed for them, it would seem that they alone could complain of the proceedings to appoint liquidators under the Winding-up Act in force in Canada. They do no such thing. They assent to the proceedings taken here, and look upon them as ancillary to their own proceedings, to arrive at a final winding up of the estate.

The appellant is a shareholder, and as such is a mere contributory, and it is difficult to understand what real interest he can have in having the distribution of the property in this country, made elsewhere than where the property and most of the creditors are, unless it be to deprive the latter of such rights and privileges as our law would afford them, which purpose ought not to be encouraged by the Courts here.

I therefore consider that both in law and in equity the respondent's pretensions are well founded, and the judgment of the Court below should be affirmed.

Judgment confirmed.

*Charles Fitzpatrick, Q.C.*, and *R. C. Smith* for appellant.

*Wm. White, Q.C.*, for respondents.

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## *OBITUARY.*

Mr. Edmund Lareau, M.P.P. for Rouville, died at his residence in Montreal, April 21. Mr. Lareau was born at St. Grégoire, in the county of Iberville, on the 12th March, 1848, was educated at the college of Ste. Marie de Monnoir, at Victoria college, of which he was an LL.B., and at McGill, of which he was a B.C.L. He was called to the Bar in

1870. Mr. Lareau did considerable journalist work, and contributed also to periodical literature. He was the author of *Histoire du Droit Canadien* and other works. He first essayed to enter political life in 1882, when he was an unsuccessful candidate for Rouville for the House of Commons. In 1886, he was returned to the Provincial Legislature for the same county.

Mr. Mark Campbell, who died April 22, after a long illness, was one of the oldest and most respected officials of the Prothonotary's office, Montreal, where he served for forty-three years. He was noted for unfailing courtesy, and unremitting attention to the performance of his duties in the judgments department of the office. The bar will miss not only a familiar face but one who to very many of them was an old friend.

## *INSOLVENT NOTICES, ETC.*

*Quebec Official Gazette, April 19.*

*Judicial Abandonments.*

Telesphore Denis, carriage-maker, Montreal, April 9.

A. Gagnon & Co., Lévis, April 16.

Ludger Gamache, grocer, Quebec, April 16.

J. B. Lalumière, hotel-keeper, Montreal, April 10.

Pierre Martineau, contractor, Montreal, April 14.

Robert McNabb & Co., Montreal, April 14.

Amable D. Porcheron, trader, Coaticook, April 14.

Léandre Proulx, Sherbrooke, April 14.

Tancrède Robitaille, trader, St. Hyacinthe, April 9.

*Curators appointed.*

*Re* Alphonse Bertrand, St. Placide.—Bilodeau & Renaud, Montreal, joint curator, April 14.

*Re* Charles H. David, trader, Montreal.—S. C. Fatt, Montreal, curator, April 15.

*Re* Telesphore Denis. — C. Desmarteau, Montreal, curator, April 16

*Re* Isaac Dubord. — A. Quesnel, Arthabaskaville, curator, April 11.

*Re* Wm. Garlépy, contractor.—J. Frigon, Montreal, curator, April 9.

*Re* Francis Giroux, Montreal.—Kent & Turcotte, Montreal, joint curator, March 17.

*Re* Lamontagne & Frigon, contractors, Montreal.—D. Seath, Montreal, curator, April 15.

*Re* Louis Leveillé.—C. Desmarteau, Montreal, curator, April 14.

*Re* Malcolm MacCallum.—C. Desmarteau, Montreal, curator, April 14.

*Re* John O'Donnell, trader, North Onslow.—Wm. Grier, Montreal, curator, April 15.

*Re* Owen Owens, New Rockland.—J. B. Stevenson, Montreal, curator, March 17.

*Re* Louis Pelchat, trader, St. Valier.—H. A. Bedard, Quebec, curator, April 12.

*Dividends.*

*Re* Philéas Faucher, St François Xavier de Brompton.—First dividend, payable May 5, J. A. Begin, Windsor Mills, curator.

*Re* Gagnon, frère & Cie.—First and final dividend, payable May 1, J. M. Marcotte, Montreal, curator.

*Separation as to Property.*

Héloïse Beauchamp vs. Pierre Martineau, contractor, Montreal, April 15.

Marie Bourbeau vs. Napoléon Boisclair, Nicolet, April 10.

Albina Dessert vs. Zacharie Thérien, farmer and trader, St. Guillaume, April 10.

Cécile Fortin vs. Joseph Fortin, trader, St. Henri, May 29.

Marie Scholastique Asilda Martin dit Ladouceur vs. Félix Lévesque, joiner, Notre Dame de Grâces, April 2.

Emérance Mondoux vs. Elie Rochon, Ste. Cunégonde, Jan. 8.

Joséphine Poirier vs. Léon Citoleux dit Langevin, farmer, St. Timothée. Nov. 23, 1889.

*Court Terms Altered.*

Court of Queen's Bench, Rimouski, criminal term to begin March 22 and Oct. 22 of each year.

Superior Court, Rimouski, 16 to 21 of March and October, and 14 to 17 June and December.

Circuit Court, district of Rimouski, 10 to 15 March and October, and 10 to 13 June and December.

June criminal term, Queen's Bench, Percé, discontinued, and term to be held Oct. 21.

## *GENERAL NOTES.*

PRIVILEGES OF FOREIGN AMBASSADORS.—The privileges of foreign ambassadors and legates and their servants in enjoying immunity from taxation, though established by the comity of international law as early as the reign of Queen Anne, appear to have been as gall and wormwood to the vestrymen of the parish of St. Marylebone. At all events, they have indulged in litigation with Sir Halliday Macartney, the secretary to the Chinese Legation, for the purpose of supporting their alleged right to levy rates on his house in Harley Street, which he had taken for the purpose of being near the Chinese legation in Portland Place. The vestry contended that as Sir Halliday is a subject of the Queen and has never renounced his allegiance, he could not claim diplomatic exemption, but must remain subject to the laws and burdens of the realm. But Mr. Justice Mathew decided that as he was employed as a servant of the Legation, and was unconditionally allowed by Her Majesty to be so employed, he is entitled to the same rights as other diplomatic personages.—*Law Journal*

MRS. BRADWELL'S CASE.—Twenty-one years ago Mrs. Bradwell, after pursuing legal studies, applied to the Supreme Court of Illinois for admission to the bar as an attorney at law. She presented proofs of study and certificates of proficiency, and a recommendation of admission from a circuit judge and a state's attorney. The justices of the Supreme Court gave the case a full consideration, but, as the law of married women stood in that state, at that time, felt compelled to deny the application on the ground of her disability as a married woman. She renewed her application, contending that the United States civil rights law covered the case. In a long opinion the justices a second time denied it, in 1870, suggesting, however, that the legislature might remove the disability. This was done in 1872, when a law was passed providing for the admission of all women to the Illinois bar on the same terms as men. Mrs. Bradwell, however, then declined to make a new application, and has since been engaged in editing the *Chicago Legal News*. In March last, upon the original record and brief, twenty-one years old, the justices of the Supreme Court paid the lady the compliment of a reversal of the former decision. Upon their own motion, and without any application, they directed a license as attorney and counsellor to be issued to Mrs. Myra Bradwell.