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CURRENT TOPICS AND CASES.

The interpretation of Art. 2090, C. C., by the Court of Appeal, in *Trudel & Parent* (Montreal, April 26, 1893), is interesting. The court below maintained an action brought by a chirographary creditor of an insolvent, to set aside the registration of a hypothec granted by him within thirty days of his insolvency. The Court of Appeal, reversing this decision, held that the declaration contained in Art. 2090, C. C., that "the registration of a title conferring real rights in or upon the immovable property of a person, made within the thirty days previous to his bankruptcy, is without effect," is not to be interpreted as making such registration an absolute nullity in any event, but only relatively to anyone having an established adverse interest and who has actually sustained prejudice or loss in consequence of such registration. As a result of this interpretation it follows that other creditors have no legal right to criticise such registration until it has been demonstrated by a judgment of distribution, or other equivalent legal procedure, that their claims remain unpaid, in whole or in part, as a direct consequence of such registration. In the present case a chirographary creditor of the insolvent, without waiting to see the result of the division of the debtor's estate,

attacked a transaction to which he was not a party, and asked, not that the obligation should be annulled, but that its registration should be cancelled. "What interest or right," asked Mr. Justice Hall, "has he to make that demand unless and until it is legally established that he is a real, not an imaginary sufferer by it? His only justification would be the assumption that the registration of the mortgage was an absolute nullity." His Honor referred to Art. 1033, C. C.: "A contract cannot be avoided unless it is made by the debtor (1) with intent to defraud, and (2) will have the effect of injuring the creditor." And Art. 2023 says: "Hypothec cannot be acquired, *to the prejudice of existing creditors*, upon the immovables of persons notoriously insolvent, or of traders within the thirty days previous to their bankruptcy." That is, as the present judgment holds, the hypothec is valid as between the parties, and even other creditors cannot attack it unless they are prejudiced by it.

In *Darling* v. *City of Montreal*, the Superior Court, Montreal, Doherty, J., May 4, 1893, held that a special assessment to defray the cost of an improvement in the city of Montreal, must be based upon the values of the properties declared to be benefited. An assessment roll not based on the values of the respective properties subject to the assessment, but made on the principle of dividing the whole area into sub-divisions and assessing each sub-division at a fixed rate per superficial foot, entirely irrespective of the values of the properties therein contained, is, it was held, contrary to the provisions of section 228 of the Montreal City Charter, (52 Vict., ch. 79), and will be annulled. As the assessment rolls in several cases have been based upon the same principle of superficial area instead of values, the decision affects a number of expropriations, and will, it is understood, be brought before the Court of Appeal.

For the second time within the year the bar of Montreal has sustained a very serious loss. During four and forty years the Hon. Mr. Laflamme, whose death occurred on the 7th instant, after a short illness, has been one of its busiest members. Speaking from personal observation during thirty-four of these years, we are inclined to believe that no voice has been more frequently heard in the courts, no face and form more constantly met in the legal orbit, than those of the brilliant advocate who will now be seen there no more. Mr. Laflamme was an excellent illustration of a type of lawyer unfortunately too rare. He possessed a firm grasp of the great principles of the law; he selected and applied with unerring promptness the principle which must control the case before him, and his judgment was sound and keen. In the difficult and important cases concerning successions, wills, and civil rights generally, he not only enjoyed a large practice in his own office, but his services were constantly in requisition as counsel by his *confrères*. With cheerful assiduity he supported an intellectual strain and accomplished an amount of work which, looked at in the total, seems enormous. Yet such was his devotion to his calling that he did not appear to feel the toil as much as younger men around him. About two years ago, for the first time, we heard him remark that the work of the lawyer is hard. Like other able men who have passed away within the last twenty years, he no doubt began to feel, when past the age of sixty, the physical exhaustion which often follows the exciting conflicts of the courts. Mr. Laflamme, however, to the last held his ground. He appeared recently in cases before the Privy Council and the Supreme Court, and in the last term of the Court of Appeal acted as counsel in a complicated case. Though confined to the house for a week only before his death, his health and strength had been perceptibly failing for two years previously. Mr. Laflamme was specially loved by the younger members of the profession. To many of

them he was well known as a lecturer in the law faculty of McGill University, and to all he was uniformly kind and considerate. In all his professional relations he was a shining example of courtesy and generosity. His death is keenly regretted by the whole bar, and among those of equal years leaves a void which cannot be filled.

It is a striking illustration of the wildness of popular impressions as to the gains of advocacy that Mr. Laflamme, like most of the able lawyers who have departed in recent years, seems to have died a poor man. Messrs. Carter, Doutre, Kerr, and others who might be mentioned, were all successful lawyers and fully occupied with important business during thirty or forty years. Yet in no case did the toil of the law bring them much more than the modest income which sufficed for the needs of their families.

Judges in England are not always remarkable for courtesy to counsel, but it is so short a time since Lord Justice Davey quitted the ranks of the profession that we are somewhat surprised to read in the *Law Journal*, of London, the following: "Lord Justice Davey to Mr. Oswald, Q.C.: 'What is the exact point of law which you are obscuring by your eloquence?'"

BELAIR v. *LA VILLE DE MAISONNEUVE*—*INJUNCTION*—*RIGHTS OF RATEPAYER.*

[Concluded from p. 370.]

But it was further contended that the article was not limitative, that the court might issue injunctions in other cases not therein specified, or that at all events the court at common law and irrespective of the special provisions regarding injunctions, had power to issue a provisional order, pending any suit, to ensure the parties being maintained in the respective positions occupied by them at the time of its institution until final judgment.

That such power exists in the court irrespective of the Injunction Act would seem to be established by the jurisprudence of the country. It was so held in *Bourgoin* v. *M. N. C. Railway Co.*, 19 Jurist, p. 57, by the Court of Appeal, and by the Superior Court in *Carter* v. *Breaker*, 2 Q. L. R., p. 232.

But it is perhaps premature to decide whether or not such an injunction or suspensory order can issue at all, until it be first ascertained whether or not the party applying for it is in a position to ask for it, assuming the court to have the power to issue it, whether under the Injunction Act or at common law.

It is not pretended here that the works complained of are being done upon the property or lands of the petitioner, neither is it claimed that they are being so done in violation of any contract made with him, nor that from them results or will result any special damage to him. The defendant, the Royal Company, is sought to be restrained from doing work upon the property of the municipality, alleged to be in violation of a contract of said municipality with an outside party, and which, it is said, will result in damages to the said municipality.

Now, if we take these pretensions as being proven, and assume that they constitute a case where, at the instance of the party having a right to ask for it, the court has a right to issue an injunction or suspensory order, who is it that has a right to restrain such works, or to ask for the writ or order restraining them? Clearly the municipality has that right, should it choose to exercise it. Here it does not do so. Has the rate-payer or elector of the municipality the right to do so in his own name, merely as a rate-payer, and without showing any interest personal to himself, *i.e.*, that the works are injurious to him in any sense other than that in which what is injurious to the municipality may be said to injure every one of its rate-payers?

This is the question which must first of all be decided, for if it should appear that even assuming plaintiff to be entitled to the other conclusions of his action on the merits, *i.e.*, to have annulled the resolution of the 15th October last, and the contract based upon it, or assuming such resolution and contract to be absolutely null and non-existent, he has not the right to restrain the doing of the works complained of, then clearly he cannot have a right to suspend *pendente lite*, works which he would not have a right to permanently enjoin, or cause to be demolished had he succeeded in his action on the merits.

Now it appears by the evidence and is matter not disputed by either party, that the works sought to be restrained are being carried on upon the public streets of the town of Maisonneuve, and consist in the digging of holes in the said streets, planting of posts therein, stringing of wires on such poles—all of which it is claimed is being done without right or authorization by the company defendant, and injures and impedes said streets, causing damage to said municipality, both by the obstruction of said streets, and by exposing it to claims in damages on the part of a rival company claiming a right to do these works.

Assuming this to be established, assuming the resolution granting the contract to the company defendant, and the contract itself to be null, the position of that company would then be that of a person unlawfully trespassing upon the public streets, placing obstructions thereon and carrying on work thereon which would probably amount to a public nuisance.

Has a rate-payer, as such merely, the right to restrain such assumed unlawful action on the part of the company? To whom belongs the right of action to restrain or remove obstructions upon property in the public domain, as in this case upon the public highway?

The question is not a new one in our jurisprudence. It has presented itself a number of times for decision, though not so far as the court has been able to ascertain, in cases where an injunction was applied for before the works were completed, but in cases where the demolition of works already done, and which were alleged to obstruct public highways, either roads or navigable rivers, was sought.

And it would seem safe to say that it has been uniformly decided that, save where the obstruction complained of, caused some special damage to the party complaining distinguishable from that suffered by the public generally, he had no right of action to abate the nuisance; that such action belonged to the public generally, and should be instituted by a public officer qualified to speak for the public generally, (who might be moved thereto by private persons acting as relators) or, under our municipal system, in the case of obstructions in roads, might also be taken by the municipality, which is declared proprietor of the roads, and is such for certain defined purposes.

Thus the Privy Council in the case of *Brown* v. *Gugy* (14 L.C.R., p. 220) lays down the law of Lower Canada as to

the right of action for demolition of any work erected without license on the public domain: "An officer suing on behalf of the public has a right, at his own instance or on the application of any person interested, to call for the demolition of any work erected without license on the public domain, and he is no more required to prove that the erection has occasioned actual damage to the public than a private person who complains of a wrongful invasion of his property is obliged to prove that it has occasioned actual damage to him. But although such officer may, if he thinks proper, take proceedings to abate the nuisance, he is not obliged, nor is it in all cases his duty to interfere.....

"If the public officer refuse to interfere, an individual who suffers injury is not prejudiced; he has still his *action privée*, by which he may recover damages for injury already sustained, and the abatement of the cause of such injury for the future. The public and private action are said to be not only independent of each other, but essentially distinct in their object. The fact that the place where the work is erected is public property, is of course very important in both cases, in regard to the right of the defendant to do what he has done, but it does not, according to the law as we can collect it from the authorities, *supersede* the necessity of the plaintiff in a private action proving that he has sustained injury by the work special to himself, and beyond that which is common to the public at large, and this, as we have already stated, the plaintiff in this case has failed to do."

The case was one *en denonciation de nouvel œuvre*, seeking the demolition of an alleged obstruction to a navigable river, the plaintiff being a riparian proprietor, and claiming, but not proving, special damage resulting from the alleged obstruction.

This judgment was followed by the Court of Appeal in a case of *Bourdon & Benard et al.*, (15 L.C.J , p. 60) where it was held "Que le droit de faire disparaitre les obstructions et empiètements sur les chemins et rues publiques appartient *exclusivement* aux municipalités, et que les particuliers ne possèdent pas ce droit d'action à moins qu'il ne leur en résulte des dommages réels et spéciaux." This was the case of two proprietors, resident in Boucherville, complaining of an encroachment by defendant upon the public street of the municipality, and asking its removal. The encroachment was not denied and the case turned entirely on the question to whom belonged the right of action.

In rendering the judgment Caron, J., (p. 62) says: "Les autorités additionnelles produites depuis que la cause est en délibéré et surtout la décision de *Brown* v. *Gugy* me font croire que les demandeurs n'avaient pas l'action qu'ils ont portée; que ne souffrant personnellement pas autrement que le reste du public, c'était à l'autorité chargée de défendre les droits de ce public à prendre les démarches nécessaires pour le protéger des empiètements qui pouvaient être commis à son préjudice."

And Badgley, J., concurring, says, (p. 64) (after expressing a strong opinion that had it not been for the effect of the municipal law vesting the roads in the municipal corporation, such an action might have been taken as a popular action by a private individual,) "but the municipal law has taken its street authority into the power of the municipality alone, and the popular action can no longer avail to individuals; they may compel the municipal authorities to enforce the removal of encroachments on the public thoroughfare, but they cannot, any longer, themselves enforce the removal." The main *considérant* of the judgment rests on the absence of right in an individual to bring an action of this kind.

In *Bell* v. *The Corporation of Quebec*, 7 Q.L.R., p. 103, another case of an obstruction in an alleged navigable river, their Lordships of the Privy Council reaffirm the doctrine laid down in *Brown* v. *Gugy*, and after assimilating the position of riparian proprietors on a navigable river to that of proprietors of land adjoining a highway, hold that no action lies by such a proprietor for the removal of obstructions in such navigable river, in the absence of proof of special damage.

The doctrine seems likewise to be fully recognized as being in accordance as well with English law, as with our own by the different text-books on the subject of injunctions.

It would seem from these decisions abundantly clear that an individual showing himself to suffer no greater injury from an obstruction to the public highway than that common to the public generally, has no right of action to cause the removal of such obstruction, or the abatement of the nuisance thereby created. And there seems to be no good reason for holding that what he would not have a right to cause to be removed if placed on the public property, he has a right to prevent being placed there.

But it was argued that inasmuch as under sections 100 and 698 of the Municipal Code, (and 4389 Revised Statutes) plaintiff as an elector had a right to demand the annulment of the resolution on which the contract under which the works in question were being done is based, it necessarily follows that, as such elector, he must of course have the right of having the contract based on such resolution also annulled, and the works being done thereunder arrested, and those already done demolished.

No authority was cited bearing out this extension of the rights conferred upon a municipal elector by the sections referred to.

The court sitting here is not called upon to deal with the question whether or not the sections cited give to an elector the right, not only of demanding as against the members of the council, his representatives, the annulment of an illegal resolution, but the further right of exercising the right of action of the municipality against a third person to have annulled a contract entered into by said municipality with such third person in virtue of an illegally passed resolution.

This question will present itself for decision upon the trial of the principal case upon its merits—which case is not now before the court.

For the present what is to be dealt with is the pretension that because the law gives an elector a right to demand the annulment of a resolution, it also gives him a right to demand that any works being done by a third person claiming to act under such resolution be arrested, and those done, destroyed.

Now, having reached, as the court has, the conclusion that were defendant, the Royal Company, without any pretence of a resolution or contract authorizing them so to do, placing their poles and wires in the streets of Maisonneuve, plaintiff would have no right to restrain them by injunction, it would be an extraordinary position if he should have greater rights against a party acting under, at all events, the color of right given him by a resolution and a contract, both binding on the municipality till annulled, than he would have had against a person acting without any pretence of right and in open defiance of municipal authority.

This is a conclusion which it is impossible to arrive at, and yet it is the logical consequence of adopting the position in this respect contended for by plaintiff.

The reasoning which leads to such a conclusion cannot but be faulty. And, in fact, in this case it is based entirely upon the assumption that the law must have intended, in allowing the right of an elector to obtain the annulment of a resolution of a council, to give him, once that annulment obtained, the right to exercise all the actions which might result therefrom in favor of the municipality. Now the law certainly does not say that it so intends, and surely if such had been the design of the legislator he would have said so clearly and distinctly. Nor is the court aware of any system of logic, in which it is recognized as an axiom, that because one has a right to what may serve as the means to many ends, one is therefore entitled to all those ends to which it may be a means. Because I, as an elector, am given by the law the right to have annulled the illegal resolution passed by the councillors, and because such annulment relieves the municipality from the obligations purporting to be imposed upon it by such resolution, it by no means follows—in the absence of express legislation to that effect, that I have the right to exercise against third parties all the actions which the municipality so freed may have to exercise. On the contrary, once the resolution is annulled, and the municipality discharged in consequence from any responsibility, liability or obligation in virtue of it, my right of action would seem to be at an end, and it would then devolve upon the officers of the municipality charged with that duty to prevent encroachments on its property in virtue of any pretended rights under such annulled resolution. As said by Judge Badgley in *Bourdon & Benard* above cited, "individuals may compel the municipal authorities to enforce the removal of encroachments upon the public thoroughfare," (we might add, and other municipal properties or rights) "but they cannot themselves enforce the removal."

For these reasons the court is of opinion that the plaintiff has shown no sufficient interest, and consequently no right to obtain the writ of injunction prayed for by him, that neither suffering nor even pretending to suffer or apprehend any damage whatsoever peculiar to himself, and different from that common to all the public by the alleged unlawful works of defendant in the streets of Maisonneuve, he is, in asking for a writ of injunction, taking upon himself, without authorization, the protection of the public rights and those of the municipality, and in reality en-

deavoring to exercise a right which, if it exist at all in this particular case, belongs exclusively to and can alone be exercised by the municipal authorities of Maisonneuve, and, in their default, if at all, solely by a public officer properly authorized to represent and act for the general public, and not in any case by a private individual in plaintiff's position, and in consequence the injunction is dissolved.

This case being before the court only on the writ of injunction, and evidence and argument on the questions raised by the principal action having been gone into only for the purpose of establishing whether or not plaintiff's case was *primâ facie* sufficiently strong on the merits to justify the issue of the writ of injunction, and the court having reached the above conclusion as regards the absence of the right to the injunction, however strong plaintiff's case on the merits, the court is not merely not called upon in this case, but has no right to pronounce any opinion upon the numerous other important questions raised by the pleadings.

EFFECT OF CULTURE ON VITALITY.

So far from intellectual work diminishing vitality, the chiefs of all intellectual professions are, and in recent times have been, men who have passed the ordinary term of years with undiminished powers. In politics, the principal leaders whom this generation have known, have been Earl Russell, Lord Palmerston, Lord Beaconsfield and Mr. Gladstone, and every one of the three was at seventy in full vigor, while the last, at eighty-three, is coercing a reluctant party to endorse a policy which the people of England determinately reject. The great statesman of the continent, Prince Bismarck, remains at seventy-eight a force with which his government has to reckon; while the will of Leo XIII, an exceptionally intellectual pope, at eighty-three, is felt in every corner of the world. The most intellectual and successful soldier of our time, the man who has really thought out victories, Marshal von Moltke, was an unbroken man at ninety and more years. No men dare compare themselves in literary power with Tennyson or Carlyle, Victor Hugo or Von Ranke, and they all reached the age which the author of Ecclesiastes declared to be marked only by labour and sorrow, as also did Professor Owen, whose

life was one long labor in scientific inquiry; and so has Sir William Grove, one of the most strenuous thinkers whom even this age has produced. We might lengthen the list indefinitely, but to what use, when we all know that the most intellectual among lawyers, historians, novelists, theologians, physicists, politicians and naturalists survive their contemporaries, usually with undiminished powers. In statistical accounts the clergy, whose occupation is wholly intellectual, rank first among the long-lived. A little lower down in the scale, the most hale men among us are those who have been doing intellectual work, often extremely hard work, through all their lives, and who are still so strong that all the professions are affected by their resolution not to retire, and the inability of the younger men to invent a reason for making their retirement compulsory. To say that they are picked lives is false, for they are so numerous that the intense vitality of the old and intellectual actually affects the organization of society; and to say that the unintellectual flourish equally well is not provably true. —*London Spectator.*

THE LATE HON. R. LAFLAMME.

The following notice of some of the principal incidents in Mr. Laflamme's career, condensed chiefly from the biographical work of Mr. J. C. Dent, is believed to be substantially correct.

On the 15th May, 1827, Toussaint A. Rodolphe Laflamme, was born at Montreal. His father was Toussaint Laflamme, a merchant in good standing in the commercial capital of Canada, and his mother was Marguerite Suzanne Thibaudeau, of Pointe Claire—a lady who traced her descent from one of the best families of France. Her father had lived at Grand Pré at the time of the expulsion of the Acadians, and he in common with his compatriots, was forced to leave the land of his birth for reasons which are familiar to all students of the history of the French domination in America. He was educated at St. Sulpice College, and while there exhibited remarkable powers of study and love for the classics. When the time came for him to make choice of a profession, he selected that of the law. He entered the office of the Hon. L. T. Drummond, Q.C., afterwards a judge of the Court of Queen's Bench. Here he made rapid progress, and in 1849 was called to the Bar of Lower Canada. Two years before this, however, and while barely in his twentieth year, young Laflamme was elected to the responsible post of president of the Institut Canadien of Montreal, a society which he had been

mainly instrumental in founding, and which, in its time, exercised considerable influence on the mental activity of the Province of Lower Canada. He was afterwards one of the founders of *L'Avenir* newspaper, and a leader of the Rouge party.

In 1852 the *Pays* was started as the organ of the moderates, while *L'Avenir* continued its advocacy of ultra-Liberal views. Mr. Laflamme was very active as the professional adviser of the Seigneurs who claimed their indemnity in virtue of the Seigniorial Act, 1857-8. While one of the editors of *L'Avenir*, he had done much to bring about a settlement of the vexed seigniorial question. He had thus for a long time made the subject a special study and was well qualified to act in the capacity of counsel for the Seigneurs, a position which he filled with great ability and judgment. On several occasions he appeared before the Judicial Committee of the Privy Council in England. In 1856 McGill College, Montreal, conferred on him the honorary degree of B.C.L., and in 1873, that of D.C.L. In 1863, he was created a Queen's Counsel. In 1875 he was offered a puisné judgeship in the Supreme Court—an honor which he declined.

Though Mr. Laflamme for many years interested himself in politics and intimately associated himself with the marked public events of his time, it was not until the general elections of 1872 that he was returned to Parliament. He was elected the representative in the Commons for Jacques Cartier, and in 1874, he was chosen by acclamation. In November, 1876, he was sworn of the Privy Council, as Minister of Inland Revenue, *vice* the Hon. Mr. Geoffrion, and was re-elected on November 28. On the 8th of June, 1877, Mr. Laflamme became Minister of Justice, a position which he continued to hold until September, 1878. He also introduced a bill for further securing the independence of Parliament. His scheme for the abolition of the office of Receiver-General and the creation of an Attorney-General who should be a Cabinet Minister and preside over the law department along with the Minister of Justice was rejected by the Senate. During the session of 1878 an act was passed under his advice, amending the Supreme Court Act, so as to increase the number of the terms of the court from two to four, also to regulate appeals from the lower provinces. A bill to amend the Election Act was also introduced by the deceased at this time and became law. During his long professional career he was regarded by his professional brethren with respect and confidence.

For forty years he occupied a very high position at the Montreal Bar, and there were very few important cases in which he was not consulted. He gave up the whole of his time to civil law and many of his opinions will stand the test of time. He was an eloquent and forcible speaker in French as well as in English. He was a man of very pronounced views on religious, social as well as legal questions. Undoubtedly the greatest case he was connected with was the famous Guibord case, in which he acted as counsel for the Institut Canadien, along with his friend, the late

Joseph Doutre, Q.C. The success achieved in this case made their names famous in legal circles throughout the Empire and beyond it.

Since the overthrow of the Mackenzie administration in 1878, and Mr. Laflamme's defeat in Jacques Cartier county by Mr. D. Girouard, M. P., the deceased gave up the whole of his time to his practice, which was a large one. A libel suit against the Toronto *Mail*, in which he recovered large damages, attracted a great deal of attention some years ago. Mr. Laflamme, among other things, had been accused of being a party to the famous ballot box stuffing case of St Anne's, generally known as "La trappe de Ste. Anne." This event occurred during the last election of Mr. Laflamme in Jacques Cartier county, when some of his over-zealous partisans, without his knowledge, tampered with the ballot box in one of the polls, substituting a large number of votes in his favor, thereby changing the result of the election. In the celebrated case of the Jesuits against the *Mail* for libel, Mr. Laflamme acted as counsel for the latter. Last year he went over to England to plead before the Privy Council. Mr. Laflamme in 1865 acted along with Messrs. Abbott and Kerr in the defence of the St. Alban's raiders. He was twice elected batonnier of the Montreal Bar.

Mr. Laflamme died at Montreal, Dec. 7th, after a very short illness.

JUDICIAL PENSIONS.

Until 1869 (says a U. S. contemporary,) there was no provision in the Statutes of the United States for pensioning Judges who had grown old in its service. In that year a statute was passed by Congress providing that: "When any Judge of any Court of the United States resigns his office, after having held his commission as such at least 10 years, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation." (Rev. Stat. U. S., § 714.)

Although Congress deemed it wise to pension the Judges of the United States, few of the States have followed in its lead in providing retiring pensions for their Judges. In New York the Constitution provides: "But no person shall hold the office of Justice or Judge of any Court longer than until and including the last day of December next after he shall be 70 years of age. The compensation of every Judge of the Court of Appeal, and of every Justice of the Supreme Court, whose term of office shall be abridged pursuant to this provision, and who shall have served as such Judge or Justice 10 years or more, shall be continued during the remainder of the term for which he was elected." (Sect.

13, Art. 6, of Cons. Stat. of N. Y., Revised Stat., &c., 638.) This falls far short of a pension for life. In 1885 the Legislature of Massachusetts passed "An Act to provide for the retirement of Justices of the Supreme Judicial Court, and for their compensation in certain cases," which provided as follows: "Any Justice of the Supreme Judicial Court, having held his commission as such at least ten consecutive years, and having attained the age of 70 years, who shall resign office, shall, during the residue of his natural life, receive three-fourths of the salary which was by law payable to him at the time of his resignation, to be paid from the Treasury of the Commonwealth, in the same manner as the salaries of acting Justices are paid." (Supp. to Pub. Stats. of Mass., 82-88; Chap. 162, page 287.) Excepting these two provisions, there seem to be no laws providing pensions for retiring Judges throughout the different States.

In Pennsylvania, there is no provision, but rumor says an Act is to be introduced at the present session of the Legislature to provide pensions for Common Pleas Judges who have served 30 years. Some pension law is much needed, but it should not provide alone for one set of Judges. The Justices of the Supreme Court serve for one term of 21 years, and cannot be re-elected, (Sect. 2, Art. V. Cons. Penna. Purd. 34) and many of them, after giving up large and lucrative practices at the Bar, find themselves, if, indeed, they live through the hardships of their term, at a period of life when their labors should be done, forced to enter the arena again.

RESPONSABILITÉ DU PROPRIÉTAIRE D'UN CHIEN ENRAGÉ.

Une dépêche de Nimes dit:—En cas de morsure par un chien enragé, le propriétaire de l'animal est-il responsable vis-à-vis de la personne mordue? Si oui, dans quelles proportions?

Les juges de Nimes viennent de se prononcer sur ces deux points dans une affaire assez singulière. En 1891, M. Guiot, entrepreneur à Marguerittes, fut mordue par un chien appartenant à M. Jalaguier, riche propriétaire; il n'y attacha d'abord

aucune importance ; mais au bout d'un certain temps il ressentit des douleurs qui n'étaient autres que les premiers symptômes de la rage. M. Guiot cautérisa la morsure, s'embarqua pour Paris et arriva à l'Institut Pasteur.

Là, en dépit du traitement, il fut en proie à des crises violentes, qui ébranlèrent fortement son système nerveux. M. Guiot ne succomba pas, mais il sortit de l'institut avec une maladie nerveuse dont il ressent encore les effets.

A son retour, n'ayant pu s'entendre sur la question des dommages-intérêts avec M. Jalaguier, il lui intenta un procès. Le tribunal condamna M. Jalaguier à payer au plaignant la somme de 11,000 francs.

Dans son audience d'hier la cour confirmait cette décision.

GENERAL NOTES.

APPOINTMENT :—J. L. Terrill, Q.C., of Sherbrooke, has been appointed sheriff of the district of St. Francis, in the place of E. R. Johnson, deceased.

THE JUDGES AND CONTEMPORARY PLAYS :—We entirely concur in the licenser of plays' objection to personal allusions to judges on the stage. The occasion of his condemnation was the production of a comic opera at the Prince of Wales,' in which 'Sir Alfred May,' a Divorce Court judge, is a leading character. Originally his name was 'Sir Francis May,' which, of course, was a pointed hit but not very witty allusion to Sir Francis Jeune. Mr. Piggott did quite right in insisting upon this and other personal allusions being struck out of the piece, for while there is no reason whatever why judicial institutions should be placed beyond the reach of satire, it is consistent neither with the dignity of the Bench nor of the stage that living judges should be caricatured. There is need to emphasise this truth at the present time, because in several plays of late stage judges have 'made up' in obvious imitation of a distinguished occupant of the Bench. —*Law Journal, (London.)*

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