The Legal News.

VOL. XI. APRIL 14, 1888. No. 15.

The agitation for an increase of judicial salaries is older than the life of this journal, and every volume has contained more or less reference to it. Some who took an active interest in it have passed away from the bench and from life. Lord Dufferin during his term, urged an increase strongly. A movement in the right direction has at length been made, and judges of all the superior courts receive an increase of $1000 each. In the Province of Quebec, the Chief Justice of the Queen's Bench will now have a salary of $7,000, and the Chief Justice of the Superior Court and the senior puisné judge at Montreal the same sum.

The decision of the Judicial Committee of the Privy Council in *Redfield & The Corporation of Wickham*, reported in the present issue, maintains the rule already established by numerous decisions of our provincial tribunals, that a railway, or a section of a railway, may, as an integer, be taken in execution and sold, like other immovables, in ordinary course of law.

Mr. Louis Adolphe Olivier, of Ottawa, a member of the Ontario bar, has been appointed judge of the County Court of the united counties of Prescott and Russell, in the stead of Mr. Daniels, deceased. Mr. Olivier being a French Canadian, the appointment is indicative of the spread of the French population westward.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

LONDON, Feb. 15, 1888.

Present:—LORD WATSON, LORD HOBHOUSE, LORD MACNAGHTEN, SIR BARNES PEACOCK, SIR RICHARD COUCH.

REDFIELD et al., Appellants, and THE CORPORATION OF WICKHAM, Respondent.

Railway—Rights of judgment creditors—43-44 *Vict.* (*Q.*) *ch.* 49.

HELD:—1. *That a railway may be seized and sold for the debts of the company which owns such railway.*

2. *That while the effect of the Act* 43-44 *Vict.* (*Q.*) *ch.* 49, *and the trust conveyance of* 12*th August*, 1881, *executed in pursuance thereof, was to vest the property of the South Eastern Railway company and its appurtenances in the trustees, the Act does not apply to proceedings taken in execution of a judgment obtained in a suit instituted before the Act became law, such proceedings being within the exception of sec.* 11.

LORD WATSON:—

The respondent corporation became subscribers for stock in the Richelieu, Drummond and Arthabaska Counties Railway Company, which was incorporated by the Quebec Act, 32 Vict., c. 56, under an agreement by which the company undertook to construct their line of railway so that it should pass through the municipality of the township of Wickham. By a provincial Act passed in the year 1872 (36 Vict., c. 51), the undertaking of the Arthabaska Company was amalgamated with that of the South-Eastern Counties Junction Railway Company, and a new corporation formed, under the name of the South-Eastern Railway Company. The whole real and personal estate of the two companies was transferred to the new corporation, subject to the proviso that the rights and remedies of municipalities and other creditors, or of bondholders having mortgage on the real estate of either company, should remain unimpaired, but that liabilities arising from tort, as contradistinguished from the separate debts and obligations contracted by either company, were to attach only to the assets of the wrong-doing company, existing at the time when the Act came into operation.

In virtue of the powers conferred upon it by the Act of 1872, the South-Eastern company issued bonds or debentures hypothecating, (1) the Arthabaska Railway, which formed the northern section of its undertaking, to the amount of $150,000, (2) the Southern Counties Junction Railway, forming the southern section, to the amount of $750,000, and (3) the United Railway (which includes both sections), to the amount of £640,000 sterling. In the year 1880, the whole of

the northern section bonds, and the greater part of the southern section and united railway bonds were still outstanding, and the earnings of the company were insufficient to pay the arrears of interest then due. In these circumstances the Legislature of Quebec passed an Act (43 & 44 Vic., cap. 49), which received Her Majesty's assent on the 24th July, 1880, giving effect to the terms of an arrangement between the company and its bondholders for the issue of new bonds, to carry a first mortgage and charge upon the entire undertaking, in substitution for the outstanding bonds already mentioned.

By that Act the company was authorized to issue mortgage bonds, at the rate of $12,500 per each mile of railway constructed or to be constructed, up to a limit of two million dollars; and, for securing the due payment thereof with interest, to convey its entire property, including its franchise, to trustees in trust for that purpose. It was made lawful to insert in the trust conveyance, stipulations as to who should have the possession and control of the franchise and other property conveyed; and, in the event of default in payment of the bonds, or of any of the coupons thereto attached, for divesting the company of all interest, equity of redemption, claim, or title in the said franchise and property, and vesting the same absolutely in the trustees. Sect. 5 empowered the trustees, when and as often as default should be made, to "take possession of and run, operate, maintain, manage, and control the said "railway and other property conveyed to "them as fully and effectually as the company might do the same." The conveyance, when executed, was (Sect. 7) declared to be to all intents valid, and to have the effect of creating a first lien, privilege, and mortgage upon the railway and other property thereby conveyed.

In pursuance of the Act of 1880, the company issued new mortgage bonds; and, on the 12th August, 1881, executed a relative conveyance in trust, which contains a covenant entitling the trustees to enter into possession if default shall be made and continue for 90 days; and a further covenant for divesting the company, in certain events, of all interest, equity of redemption, and claim or title, as in the Act provided. On the 5th October, 1883, interest on the mortgage bonds being more than 90 days overdue, the company, on the requisition of the trustees, and in compliance with the terms of the conveyance, gave them possession; and the trustees have since continued to maintain, work and manage the railway, on behalf and at the expense of the bondholders, and have received the tolls and other profits of the undertaking. The appellants are now the acting trustees under the conveyance.

Neither the Arthabaska Company nor the South-Eastern Company (to whom its contract obligations were transferred by the Amalgamation Act of 1872), carried any part of their lines of railway through the municipality of the township of Wickham. In respect of that breach of agreement, the respondents, on the 17th July, 1880, just seven days before the Act 43 & 44 Vict., cap. 49, became law, brought an action of damages before the Superior Court of Quebec, against the South-Eastern Company, in which they obtained a judgment, now final, for the sum of $22,280, on the 29th January, 1883. Upon the 6th November, 1883, a writ of *Fi. fa., de bonis et terris*, was issued; and, on the 19th of that month, the sheriff seized in execution and proceeded to advertise for sale the whole of the South-Eastern Company's railway, including both sections thereof, together with all the lands of the company and buildings erected thereon, as well as the rolling stock and other appurtenances of the railway, which are *immeubles* according to the statute law of Quebec.

The appellants then filed their opposition *afin de distraire*, their main ground of objection being that Article 553 of the Procedure Code only authorizes the seizure of immoveable property of the judgment debtor, which is in the possession of such debtor, whereas the railway seized was neither the property, nor in the possession of the South-Eastern Company. Their Lordships do not doubt that the effect of the trust conveyance of 12th August, 1881, followed by possession in terms of the deed, was to vest the property of the railway and its appurtenances in the appellants, and to reduce the interest of the South-Eastern Company to a bare right of

redemption. In these circumstances, whatever might be his rights against the interest remaining in the Company, the property of the railway could not be attached by any judgment creditor of the Company who was affected by the provisions of 43 & 44 Vict., chap. 49. But Sect. 11 of that Act expressly provides that nothing therein contained shall in any manner affect suits then pending in any court of law; and the respondents are within the exception, because the action in which their decree was obtained was actually in dependence at the time of its passing. It was argued for the appellants that the exception is limited to suits during their dependence, and does not apply to proceedings taken in execution of a judgment after the suit is at an end. That construction of the clause would deprive it of all meaning. None of the provisions of the Act could by possibility affect the conduct of a suit instituted against the South Eastern Company, although they are calculated to impair the plaintiff's recourse against its property after he has obtained a decree. According to the provisions of the Civil Code (Art. 2034), a judgment ordering payment of a specific sum of money carries a hypothec upon the real as well as upon the moveable estate of the debtor; so that, apart from the provisions of the Act of 1880, the respondents' judgment against the South Eastern Company made the principal sum decreed, with interest and costs of suit, a charge upon the railway, enforceable in terms of law.

In the course of the argument, the appellants maintained that the sheriff's seizure ought to be annulled, and proceedings stayed, on the ground that the railway, assuming it to be the property and in the possession of the company, was not liable to attachment for judgment debts of the company. That plea does not appear to have been taken, or discussed, in either of the Courts below; but, seeing that it involves considerations of public interest, and is sufficiently raised by the proceedings submitted to them, their Lordships conceive that they are bound to dispose of it.

The appellants relied upon the authority of *Gardner* v. *London, Chatham & Dover Railway Co.* (2 Ch. App. 201), and *In re Bishops Waltham Railway Co.* (2 Ch. App. 382). These cases, which were decided by Earl Cairns (then Lord Justice) and Lord Justice Turner, establish conclusively that, in England, the undertaking of a railway company, duly sanctioned by the Legislature, is a going concern, which cannot be broken up or annihilated by the mortgagees or other creditors of the company. The rule thus settled appears to rest upon these considerations,—that, inasmuch as Parliament has made no provision for the transfer of its statutory powers, privileges, duties, and obligations from a railway corporation to any other person, whether individual or corporate, it would be contrary to the policy of the Legislature, as disclosed in the general Railway Statutes, and in the special Acts incorporating railway companies, to permit creditors of any class to issue execution which would have the effect of destroying the undertaking or of preventing its completion.

A different result was arrived at by the Court of Queen's Bench for Lower Canada in *The Corporation of the County of Drummond* v. *The South Eastern Railway Co.* (24 L. C. J. 276). In that case the corporation, who were the holders of a bond issued to them by the Richelieu, Drummond & Arthabaska Railway Company, before the amalgamation, obtained judgment against the South Eastern Company, and proceeded to take in execution, with a view to sell, a section of their railway. The Judge of the Superior Court quashed the proceedings, on the ground that the railway of a company incorporated by statute could not be seized in execution of a judgment, or sold at a sheriff's sale; but his decision was reversed by a majority of the Queen's Bench (Tessier, J., *diss.*), who allowed the sale to proceed. Apparently, the Court did not in that case require to consider whether a judicial sale could have been permitted of such part of the railway property as would necessarily have had the effect of breaking up the undertaking, or or resolving it into its original elements. Mr. Justice Cross said (24 L. C. J. 289):—"I can see no serious cause to appre-"hend that a change of proprietorship would "interfere with the obligations which the "road owes to the public, and which the

" general laws affecting railroads impose on " whomsoever holds it. Should it pass into " the hands of individual proprietors, it is " nevertheless to a great extent subject to " the general laws enacted for the govern- " ment, control, and inspection of railways."

These observations strongly suggest that the legislation which the Court of Lower Canada had to consider, in that case, differs in material respects from legislation upon the same matters in this country. The learned judge was speaking, in the year 1879, with reference to provincial statutes, which it is now unnecessary to examine, because the undertaking of the South Eastern Company had become a Dominion railway, before the respondent's writ of *Fi.-fa.* was issued. Sect. 92 (10 c.) of The British North America Act 1867, excludes the authority of provincial legislatures in regard to local works and undertakings which are, before or after their execution, declared by the Parliament of Canada to be for the general advantage of Canada. On the 25th of May an Act was passed by the Dominion Parliament (46 Vict., cap. 24) further to amend "The Consolidated Railway Act, 1879," and to declare certain lines of railway to be works for the general advantage of Canada; and the enumeration of these lines in Sect. 6 includes the whole system of the South Eastern Company. Sect. 14 of the same Act provides that "if at any " time any railway or any section of a rail- " way be sold under the provisions of any " deed of mortgage thereof, or at the instance " of the holders of any mortgage bonds or " debentures, for the payment of which any " charge has been created thereon, *or under* " *any other lawful proceeding*, and be purchas- " ed by any person or corporation not having " any corporate powers authorizing the hold- " ing and operating thereof," the purchaser must, within ten days from the date of his purchase, transmit to the Minister of Railways and Canals an intimation of the fact, describing the termini and line of route of the railway, and specifying the charter under which it had been constructed and operated. Sect. 15 provides that, until such intimation has been made and all information furnished which the Minister may require, it shall not be lawful for the purchaser to operate the railway; but that he may thereafter continue, until the end of the then next session of the Parliament of Canada, to work the railway and to take tolls, upon the terms and conditions of the previous owner's charter, unless these are varied by a letter of license, which the Minister is authorized to grant. Sect. 15 makes it the duty of the purchaser to apply to Parliament, during the next session after the purchase, for an Act of incorporation or other legislative authority to hold, operate, and run the railway. If the application proves unsuccessful, it is in the discretion of the Minister to extend his license until the end of the next following session of Parliament, and no longer. Should the purchaser, during the extended period, fail to obtain an Act of incorporation or other legislative authority, then the railway must be closed, or otherwise dealt with by the Minister of Railways and Canals, as shall be determined by the Railway Committee of the Privy Council.

Comment upon these enactments would be superfluous. They do not suggest that, according to the policy of Canadian law, a statutory railway undertaking can be disintegrated by piecemeal sales at the instance of judgment creditors or incumbrancers; but they clearly show that the Dominion Parliament has recognized the rule that a railway or a section of a railway may, as an integer, be taken in execution and sold, like other *immeubles*, in ordinary course of law. They justify the statement of Chief Justice Dorion, in the present case, that " it is now well " settled by the jurisprudence prevailing in " this country, and recognized by the Act " 46 Vict., cap. 49, that a railway can be " seized and sold for the debts of the com- " pany who owns such railway."

For these reasons, their Lordships have come to the conclusion that their judgment must be for the respondents. They are not affected by the Act of 1880, and must, therefore, be placed in no worse, and at the same time, in no better position than they would have occupied if the Act had never passed. On the one hand, the railway taken in execution by the respondents must, for all the purposes of these proceedings, be deemed to be still the property and in the possession of

the South-Eastern Railway Company; and, on the other hand, the appellants, as representing the present holders of mortgage bonds, must be taken as standing in the shoes of the bondholders whose debts were unpaid at the passing of the Act. The appellants will be entitled, in the present proceedings, to the benefit of all rights and preferences which were attached to these mortgage debts during their subsistence.

Their Lordships will accordingly humbly advise Her Majesty to affirm the orders appealed from, and to dismiss the appeal. The costs of this appeal must be borne by the appellants.

Judgment confirmed.*

THE COMMON LAW AS A SYSTEM OF REASONING.

(Conclusion from page 111.)

Jurist work and codification compared.

The other remedy is to jump this ditch, and to codify the law while yet it has not had a single jurist, and make sure that it shall not have a jurist hereafter.

I do not deem it necessary to place before you the various plans for codification, and discuss them separately. As already said, the majority of the American Bar Association defined last year their plan, namely, to reduce the law itself, "so far as in its substantive principles it is settled, to the form of a statute." The law consists of everything which the Courts judicially know. The changing of it by statutes has always been practiced in every country governed by the common law, and no one ever objected to it if the particular change was deemed judicious. If it is thought to be convenient to have the principles of the law, as far as settled, tersely and clearly stated for professional use, I certainly concur. That work your jurists will do when you have them. And in doing it they will rely for support on their own merits, not on legislative propping. You can test their work; and, as said before, practically adopt or reject it like any other book, as it is found to be good or ill. If you accept it, what will be the effect of proceeding further and enacting it into a statute?

If your jurist is able to express himself in a way to avoid questions of interpretation,—a feat never yet accomplished in any legislation,—so that all will understand him to mean what the common law did, I will consent to the proposition that judicial things will go on much as they did before. Of course, there can be no pretense that any good has been done, for neither in form nor in substance is there any change. What was settled before is no more than settled now. But, in another aspect, the change is vast. You have dropped from reason to the legislative "Be it enacted."

To illustrate: If one brings suit for building a fence which is the hypotenuse of a right-angled triangle, for which he was to be paid an agreed sum per rod, and the lengths of the perpendicular and base are severally proved, but not that of the hypotenuse, the length of the latter is matter of law, and the proofs are adequate. Now you enact a code providing that the square of the hypotenuse of a right-angled triangle shall equal the sum of the squares of the perpendicular and base. You will remember that, under the old system, if a boy in a class asked his master how this could be, the latter would draw the triangle on the black-board, extend his lines, and show how the problem is reasoned out. The boy's brain would be stirred, a step would be taken in teaching him to think. Under the new system, the master would say, "This is provided for by the one thousand three hundred and fiftieth section of our glorious code. It was explained by an old Greek named Euclid. Perhaps it was discovered before; at any rate, it has long been settled. In the year 1886, there was a meeting of great lawyers at Saratoga, and fortunately the best minds were in the majority. Saratoga, please note, is a place of water; hence it is certain that these best minds were not drunk. They resolved that whatever is settled should be enacted into a statute. Our legislature had the wisdom to follow the light; therefore, until the statute is so changed as otherwise to provide,

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* See also *Corp. Co. of Drummond & South Eastern Ry. Co.*, 3 Leg. News, 2; *Banque d'Hochelaga* v. *M.P. & B. Ry. Co.*, 4 Leg. News, 332; *Wason Mfg. Co.* v. *Lewis & Kennebec Ry. Co.*, 7 Q. L. R. 330; *Stephen & Banque d'Hochelaga*, M. L. R., 2 Q. B. 491.

the sum of the squares of the perpendicular and base shall be and remain the square of the hypotenuse. Now, boys, remember that this is the rule for what are termed the braces in all buildings. It is understood that the wicked political party, to which we do not belong, propose to change this statute, and make the square of the perpendicular equal to the sum of the squares of the hypotenuse and base. That change, it has been ascertained, will overturn every building in the State, and it is uncertain whether people can protect themselves by digging holes in the ground and getting into them. The better opinion is that, in this event, all things on the surface of the earth will be precipitated into its internal fires. To avoid this, as soon as you are old enough to vote, go to the polls; and, under the pressure of dire necessity, you may be required to vote, not only early, but often."

It will be the same with all the rest of your code. You have slipped from reason, and settled on bare legislative command.

Law is the only profession which teaches the sort of reason that governs the State. The lawyers, as already said, are the judges, and they are the great majority also of the executive and legislative branches of the Government. Should the cry for codification, under the eternal aspiration for laziness, prevail, and the element of reason which the practice and administration of the common law have carried into Governmental affairs, be banished therefrom, the hitherto common-law nations will quickly cease to be the leaders of the civilized world.

I might close here, and leave the rest to your future reasonings; but I cannot forbear to ask your attention to a single specimen line of thought.

Governmental precedents without common law.

The proceeding in our common law courts held most in derision by the enemies of the system, consists of the comparison of old cases with the new one under examination, to determine which among the old is to control the new. I readily acknowledge that for myself, I do not quite like it in its more common form. Those judges who have seemed to work most easily, and most satisfactorily both to themselves and to the lookers-on, have resorted to the old cases as aids in ascertaining the principle, then have applied the principle to the case in hand. But this is rather a matter of form than of substance. The common law is a system of authority as well as reason, and so equally do all governmental affairs proceed on precedent. There is not even a demagogue who, in haranguing the voters from a stump, does not cite to them precedents, with perfect confidence that they will yield to their force. In everything, we are all creatures of precedent; even the religion of the son is copied from the father's.

All governmental affairs, therefore, travel in the path of precedent. So that it becomes of the highest importance for the officers of Government to understand how to select and apply precedents. And there is no possible way in which this skill can be so well acquired as in the study and practice of the common law, or perhaps even acquired at all. Let me illustrate this by a case which fell within my own cognizance.

In a city large enough to require sewers, the statutes permitted the board of aldermen to assess a part of their cost upon abutters benefited thereby, and it was customary, or directed by ordinance, to make the assessment at a particular sum per foot. Thereupon, when a sewer had run but a little way on a tract of land of many acres, the assessing aldermen deemed that the owner would not pay enough for the benefit, if only the number of feet actually laid were assessed to him; so they measured on until they came to a fence; and being brought up by the fence, they there stopped, and charged the owner for the whole line the same as if the sewer had been built thereon. The reason was, that the owner of this large tract had never been required to pay any sewer assessment; and as I have intimated, he might, by expending money enough, drain all his land into the sewer as built. So a precedent was established. Afterward they ran a sewer along the entire line of another man's land, assessed him, and the assessment was paid. It was a narrow strip, reaching back from the street but a little over a hundred feet to an alley. We now come to the application of the precedent. Lying on the other side of the

alley, a third person had a strip of land extending much further along the alley than the former's. For its benefit, the city on his application, put down a sewer as far as he desired, and from the line of the alley where it ended he built a fence. The aldermen, in making the assessment, saw nothing in the precedent precluding their compelling the one who had already paid for his sewer benefit to pay a second time, but they clearly discerned that the precedent forbade their getting over or under a fence. So they assessed the one whom they did not pretend to have benefited, the same as though he had never paid an assessment, not only as far as they had built the sewer, but finding no fence, to the very end of his land. They assessed the other, for whose exclusive use the sewer was made, simply to his fence; thus casting the chief part of the burden upon the one not pretended to have been benefited; and relieving him for whom alone they had made the expenditure. It was vainly urged upon this honorable body that the reason on which the assumed precedent proceeded did not apply to this case. They could see that there was here a wrong, but they could discover no way for shaking off the precedent. They had been educated to be business men, and as such they were excellent; but they could not discern, as even a boy would do who had been a week in an office where the common law is practiced, that a precedent to be applicable to the case in hand must have proceeded from the same reasons with the new case to which it is to be applied. Some years afterward, the city extended its sewer along the rest of the alley for the benefit of this third person's land, and the honorable aldermen assessed the third time the other abutter. But now the rule of the common law found a parallel in the laws of business. Not an alderman could fail to discover that, if he paid for a cargo of coal before it was dug, then paid for it a second time after it was mined and before it was delivered, he would lose all the profits of merchandising if compelled to pay for it a third time, after delivery. So it became possible for the man who had been assessed thrice to the other's once to induce the honorable board to remit this third assessment which, in form as well as in substance, had been paid years before.

A trifle may sometimes illustrate so great a thing as even the fall of an empire. This case is of little consequence in itself, but it brings to view immeasurably important things. Did you ever consider how seldom is an anarchist, or a curser of all government, born and bred in a country governed by the common law? It may happen that there are no lawyers on a board of aldermen. But in the higher walks of government, the incumbents of office are mostly, or, at least, largely, lawyers. And this sewer assessment case is, therefore, seldom paralleled in larger governmental affairs. Strike down the common law and banish it from us, and sewer justice will be the common justice of the country. But let us look a moment at this sewer justice. It is not intentional wrong-doing, it is simply what occupies the space where the common law is not. The officers who administer sewer justice mean well. With all their hearts they aspire to know the ways of duty, and they unflinchingly walk by the light which they get. Their neighbours, the public, do not frown upon them; all being in the dark together, no one doubts that the law is admirably administered. Yet all see that injustice is being done. The conclusion to which large numbers arrive is, that the whole system is wrong; that the law, from which injustice thus proceeds, should be put down and banished; and that government, which establishes what is so wicked as law, should be banished also.

Conclusion.

If codification succeeds to the extent of assassinating our common law, what but Heaven can we rely upon for the future! In the hope of better things, I turn from this picture of despair.

If I were addressing a less intelligent audience, I might urge upon you action to prevent an enormous, threatened danger. But it is unnecessary I should say more to you.

I have thus laid before you the most important subject connected with the future of our jurisprudence. Please supply my deficiencies with your own more fruitful and valuable reflections.

JOEL PRENTISS BISHOP.

Cambridge, Mass.

RECENT ONTARIO DECISIONS.

Railway company—Incorporation by Provincial Act—Subsequent legislation by Parliament of Canada—Applicability of SS. 4 to 39 of the general Railway Act of Canada.

A railway company, incorporated by an Act of the Ontario Legislature, was thereby authorized to construct, equip and operate a railway between certain points.

By an Act of the Dominion Parliament the Governor-in-Council was authorized to grant a subsidy to the company; and by another Act of the Dominion Parliament the company's railway was declared to be a work for the general advantage of Canada, and the company was authorized to build a branch line. No further powers of any kind were conferred upon the company by the Dominion Parliament.

HELD, that the effect of the declaration that the railway was a work was for the general advantage of Canada was to bring it under the exclusive legislative authority of the Parliament of Canada, but that the Acts of the Ontario Legislature previously passed were in no way affected; that the railway in question was not one "constructed or to be constructed under the authority of any Act passed by the Parliament of Canada" (see s. 3 of the Railway Act of Canada, R.S.C. c. 109); and therefore ss. 4 to 39 of R.S.C. c. 109 did not apply to it; and a motion to a Judge of the High Court of Justice under s. 8, for a warrant of possession of certain lands was refused. *In re St. Catherines & Niagara Central Ry. Co. & Barbeau*, Street, J., Jan. 21, 1888.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, April 7.

Judicial Abandonments.

Ephrem Cloutier, Quebec, March 26.

J. O. Delisle, grocer, Montreal, April 4.

Joseph J. Dugal, currier, Quebec, March 26.

Joseph T. Fortin, trader, St. Etienne de la Malbaie.

James C. Malone, Three Rivers, April 3.

Victoria Hudon (T. Michaud & Co.), Lachevrotière, March 31.

Théodore Pouliot, currier, Quebec, April 3.

Curators appointed.

Re Thomas Acteson, Anse au Gascon.—H. A. Bedard, Quebec, curator, April 3.

Re Malvina Dubois (F. Arpin & Co.), Marieville.—C. Desmarteau, Montreal, curator, April 5.

Re Joseph Beaudry, St. Jérome.—P. F. E. Petit, N.P. curator, March 29.

Re Napoléon Lavoie, contractor, Lévis.—T. Paradis, Lévis, curator, April 5.

Re F. X. Lepage & Co., Quebec.—H. A. Bedard, Quebec, curator, April 4.

Re Wm. Law Mackenzie.—Robert Fair, Black Cape, Co. of Bonaventure, curator, March 27.

Dividends.

Re Castle & Co., Montreal.—Dividend, Seath & Daveluy, Montreal, joint curator.

Re Isaac Colin Grant, hotel keeper.—First and final dividend, payable April 24, Seath & Daveluy, Montreal, joint curator.

Separation as to Property.

Julie Bousquet vs. Hector Dubois, restaurant keeper, Montreal, Feb. 23.

Marie Louise Bériault vs. Louis Vaillancourt, painter, Montreal, Feb. 29.

Christine Gibouleau vs. Henri Bourdon, trader, Montreal, April 5.

Delima Patenaude vs. Damas Moineau, Montreal, March 8.

Notices.

Notice is given by Morris & Holt of an application for an Act to incorporate a company to carry on the business of administering estates, acting as trustees, etc.

GENERAL NOTES.

The following copy of an old record of Northumberland County, Penn., shows that a century has brought considerable alleviation to criminals:—"August Sessions, 1784. Northumberland County. *Respublica* v. *Joseph Disbury*. Indictment for felony. The defendant pleads *non cul. et hoc*, etc. Attorney-general, *similiter*. Jury of the county called. Found guilty of the offence charged. Judgment, that the said Joseph Disbury receive thirty-nine lashes between the hours of 8 and 9 o'clock to-morrow; to stand in the pillory one hour; to have his ears cut off and nailed to the post; to return the property stolen or the value thereof; remain in prison three months; and pay a fine of thirty pounds to the Hon. President of this State for the support of the government, and stand committed until the fine and the fees are paid."

La Cour d'assises de la Haute-Vienne vient de juger trois individus, les nommés David, Jacques Bayle et la femme Bayle—gendre, beau-père et belle-mère—qui, dans la nuit du 1er mai dernier, mirent le feu à un immeuble qu'ils possédaient à Rancon (Haute-Vienne), après l'avoir au préalable assuré pour une somme bien supérieure à sa valeur. L'instruction judiciaire découvrit, en outre, que, avant de mettre leur crime à exécution, les époux Bayle, avec l'aide de leur gendre, avaient creusé, dans un jardin, attenant à leur maison une fosse profonde où ils avaient caché la plus grande partie de leurs meubles et objets précieux. Cette fosse avait été recouverte d'un tas de fagots qui la dissimulait complètement.

Pour être plus sûrs de l'impunité, les trois complices avaient feint un voyage dans les environs. Ce n'est qu'à leur retour qu'ils parurent avoir connaissance du sinistre dont ils étaient à la fois les victimes et les auteurs.

Obligés d'avouer leur culpabilité, les époux Bayle et David ont cherché à rejeter l'un sur l'autre la responsabilité du crime qui leur était imputé.

La Cour a prononcé les condamnations suivantes: Bayle qui paraît n'avoir été que l'instrument de sa femme et de son gendre, cinq ans de réclusion; la femme Bayle et David, cinq ans de travaux forcés.