The Legal News.

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MENS REA AND THE MARRIAGE LAW.

The first thing that catches the eye in the somewhat voluminous report of *Regina* v. *Tolson*, 58 Law J. Rep. M. C. 97, reported in the July number of the *Law Journal Reports*, is the footnote to the words, 'No counsel appeared for the prosecution.' It is to the effect that on the day for the delivery of judgment, in consequence of an intimation from some of the judges, the Solicitor-General and Mr. R. S. Wright appeared on behalf of the Crown, but, as the court was not fully constituted as before, did not offer any further argument. By section 2 of the Prosecution of Offences Act, 1879, it is enacted that it shall be the duty of the Director of Public Prosecutions, under the superintendence of the Attorney-General, to carry on such criminal proceedings in the Court, among others, of Crown Cases Reserved, as may be for the time being prescribed by regulations under the Act, or may be directed in a special case by the Attorney-General. Regulation 4 of the regulations under this Act, made by Sir Richard Webster, provides that where it is brought to the notice of the Director of Public Prosecutions that a case has been reserved under the Crown Cases Reserved Act, 1848, and that counsel has not been instructed for the prosecution, he shall, if he thinks the case to be of sufficient importance, or is so directed by the Attorney-General, instruct counsel to appear for the prosecution. That the case *Regina* v. *Tolson* was not only of sufficient importance to be argued for the Crown, but was one of the most important criminal cases which have occurred for many years, was obvious to the holder of his first quarter sessions brief, but the responsible authorities appear to have been sublimely unconscious of it. The case was reserved in July in last year. It appeared in due course in the lists after the Long Vacation, and was reached on January 26. After an argument for the accused, judgment was reserved, when some of the judges, on whom no duty was imposed in the matter, were driven to ask the Attorney-General for an argument on the other side. This assistance appeared on the scene too late. The judges had prepared their judgments. They differed in opinion on a matter as to which their opinion is final on a subject of crucial importance to social life, and the majority decided against the Crown, whose advisers appeared indifferent of the result. The decision is officially an authority, but the Court for the Consideration of Crown Cases Reserved, following a precedent set by the Judicial Committee in regard to the authority of cases decided on hearing one side only, may overrule itself, and it is to be hoped that an early opportunity will be taken of reserving the question again so that it may be thoroughly argued out on both sides and a satisfactory decision arrived at.

Meanwhile the decision that a belief in good faith and on reasonable grounds in the death of a husband or wife is a defence to an indictment for bigamy is the law of the land, subject to its resting only on the authority of nine judges against five hearing an argument on one side only, and subject to that very irregular Court of Appeal which goes by the name of the opinion of the profession. That court has at least the right of overhauling the reasons of a decision, and in this particular case, when it studies them, will be struck by the fact of the narrowness of the area discussed by the prevailing judges. The opinion seems to have prevailed that the question was to be decided on considerations mainly of the application of the maxim 'Actus non facit reum nisi mens sit rea,' as one of the half-dozen tags of principle too often considered sufficient for the application of the law to crime. It must, however, not be forgotten that the criminal law is only a branch of the general law, and that in cases like the present, in which the law of domestic relations is concerned, the considerations ordinarily applicable to criminal cases give way to wider considerations of general law. It is not enough to follow a single maxim of criminal law to its logical result. It is necessary to look at the result when it is arrived at to see whether that was the goal which the lawgiver intended. The severe

penalties imposed by the law on the breach of matrimonial relations are not intended as an expression of detestation of it, but as necessary severity in order to maintain the relation. This relation loses a large part of its permanent nature if it is to depend on questions of belief in good faith and on reasonable grounds. No doubt the decision does not affect the contract of marriage in theory, but the law of bigamy is in the great majority of marriages the only sanction of the bond. When section 57 of the Criminal Law Consolidation Act, 1861, legislates for persons being married who marry any other person during the life of the former husband or wife, is not its object to protect a domestic relation? If so, when it appears in a criminal statute, it is as a relation which requires the protection of the criminal law. When a breach of the relation is made a felony, it is to introduce the penalties of felony, and not to import the secondary meaning involved in the word 'feloniously.' The provision of the statute of James the First, on which the Consolidation Act was based, that persons so offending shall suffer death, was a recognition of the ecclesiastical severity attached to the offence by the previous law; but it must not frighten the interpreter into modifying the meaning of the words, especially when they are followed by the proviso in favour of persons marrying a second time whose husband or wife shall have been continually absent for seven years, and shall not have been known by such person to be living within that time. Was not, in fact, the Act a matrimonial, and not a criminal Act? It left untouched the general law that a second marriage during the lifetime of a former husband or wife was void under all circumstances. It imposed criminal penalties on all second marriages within seven years and afterwards if the accused knew that the former husband or wife was alive.

The strength of the argument from the proviso struck the Lord Chief Justice at the end of the argument; but on reading the arguments in the judgment of Mr. Justice Cave on this head, he found that he could not satisfactorily answer them. These arguments are thus of much interest. The learned judge admits that, if the proviso covers less ground or only the same ground as the exception, it follows that the Legislature has expressed an intention that the exception shall not operate until after seven years from the disappearance of the first husband, but he argues that if the proviso covers more ground than the general exception, surely it is no argument to say that the Legislature must have intended that the more limited defence should not operate within the seven years, because it has provided that a less limited defence shall only come into operation at the expiration of those years. He asks, What must the accused prove to bring herself within the general exception? and replies that she must prove facts from which the jury may reasonably infer that she honestly, and on reasonable grounds, believed her first husband to be dead before she married again. Secondly, he asks, What must she prove to bring herself within the proviso? and replies, Simply that her husband has been continually absent for seven years; and, if she can do that, it will be no answer to prove that she had no reasonable grounds for believing him to be dead, or that she did not honestly believe it. Unless the prosecution can prove that she knew her husband to be living within the seven years, she must be acquitted. The honesty or reasonableness of her belief is no longer in issue. Even if it could be proved that she believed him to be alive all the time, as distinct from knowing him to be so, the prosecution must fail. The proviso, therefore, is far wider than the general exception, and the intention of the Legislature that a wider and more easily established defence should be open after the seven years from the disappearance of the husband is not necessarily inconsistent with the intention that a different defence—less extensive and more difficult of proof—should be open within the seven years. All will agree that this distinction shows that the proviso is not necessarily inconsistent with the view of the majority, but belief and knowledge are very nearly related, and when the Legislature was particular in its terms as to knowledge, why should it emphatically omit belief? More difficult was it to reconcile the decision in *Regina* v. *Prince*, 44 Law J. Rep. M. C. 122, with the view of the majority of the Court. This was

a decision of Lord Chief Justice Cockburn, Chief Baron Kelly, Barons Bramwell, Cleasby, Pollock, and Amphlett, Justices Blackburn, Mellor, Lush, Grove, Quain, Denman, Archibald, Field, and Lindley, with the dissent of Mr. Justice Brett, who upheld a conviction indicted under 24 and 25 Vic., cap. 100, s. 55, for "unlawfully taking an unmarried girl, then being under the age of sixteen years, out of the possession and against the will of her father," when the jury found that the prisoner *bonâ fide* believed, upon reasonable grounds, that she was eighteen. The decision was in regard to the relation of father and child, just as the present decision regards that of husband and wife, while the present section is clearer by the omission of any word corresponding to "unlawfully." The task of distinguishing it is undertaken by Mr. Justice Wills. The judgment, he says, contains an ample and emphatic recognition of the doctrine of the "guilty mind' as an element, in general, of a criminal act, and supports the conviction upon the ground that the defendant, who believed the girl to be eighteen and not sixteen, even then, in taking her out of the possession of her father against his will, was doing an act wrong in itself. "This opinion," said Baron Bramwell, in his judgment, "gives full scope to the doctrine of the *mens rea*." The case, in the opinion of Mr. Justice Wills, is a direct and cogent authority for saying that the intention of the Legislature cannot be decided upon simple prohibitory words without reference to other considerations. The considerations relied upon in that case are wanting in the present case; whilst, as it seemed to him, those which point to the application of the principle underlying a vast area of criminal enactment, that there can be no crime without a tainted mind, preponderate greatly over any that point to its exclusion. These arguments must be compared with those of the dissentient judges, who point out the failure of proof that there is any such general principle underlying the English law of crime. This will be the question which, if the matter again comes before the Court, will have to be treated with a fulness and a recognition of its grave importance which it deserves, but which it has hardly yet received.—*Law Journal* (London.)

COUR DE MAGISTRAT.

MONTRÉAL, 29 mars 1889.

Coram CHAMPAGNE, J.

ROUILLARD *et al.* v. MARIOTTI.

Mandat—Solliciteur d'annonces—Collection.

JUGÉ:—1o. *Qu'une personne employée par un autre pour solliciter des annonces n'a pas le mandat ni l'autorisation suffisante pour collecter le montant convenu au contrat écrit, fait payable au commettant.*

2o. *Que le paiement d'un à compte fait le jour du marché au dit solliciteur d'annonces et accepté par le commettant, ne suffit pas pour prouver que l'agent était autorisé à collecter, et le défendeur n'est libéré de cet à compte qu'en autant que les demandeurs l'ont reçu.*

Un nommé Palacino était employé par les demandeurs, propriétaires de journaux, pour solliciter des annonces. En sa qualité d'agent il fit un contrat par écrit avec le défendeur par lequel en considération d'une annonce, il s'engageait à payer aux demandeurs dans trois mois une somme de $10. Un à compte de $2.50 ayant été payé comptant, crédit en fut donné sur le dos de l'écrit. L'action est pour $7.50, balance due en vertu du dit engagement.

Le défendeur plaide en disant qu'il ne connait pas les demandeurs, qu'il a fait un marché avec Palacino, leur agent, à qui il a payé, outre les susdits $2.50, une autre somme de $5, de sorte qu'il ne doit plus que $2.50 qu'il a offertes avant l'action, et il renouvela ses offres par son plaidoyer.

Les demandeurs répliquèrent que Palacino n'était que le solliciteur de leurs annonces et qu'il n'était pas autorisé à en collecter le prix.

La question était donc, les solliciteurs d'annonces, comme tout autre agent de même genre, sont-ils autorisés à collecter, et peut-on valablement leur payer le prix du contrat fait avec eux. La Cour a jugé dans la négative sur les autorités suivantes:

Jugement pour les demandeurs, avec dépens.

Autorités:—C. C., 1144, 1145; *Demolombe*, vol. 27, Nos. 132, 137, 175, 178; *Tribunal de Châteaubriand*, 19 nov. 1868; *Sirey*, 1869, 2.216; *M. Rivière, du Commis-voyageur*, No. 105; *De*

Villeneuve et Massé, Dictionnaire du contentieux commercial, par *Dutma au mot commis-voyageur*, No. 6.

Adam & Duhamel, avocats des demandeurs.
Monk & Raynes, avocats du défendeur.
(J. J. B.)

COUR DE MAGISTRAT.

MONTRÉAL, 2 mars 1889.

Coram CHAMPAGNE, J.

BOUTON v. LALLEMAND.

Assaut—Dommages—Poursuite criminelle.

Le défendeur a assailli le demandeur, et pour cet assaut il a été poursuivi en Cour de Recorder et condamné à une amende de $5. *Le demandeur, subséquemment, a intenté une action en dommages contre le défendeur pour le même assaut.*

JUGÉ:—*Que le demandeur ayant porté une plainte à la Cour du Recorder pour assaut simple contre le défendeur qui a payé* $5 *sur condamnation, ne peut être poursuivi civilement en dommages pour la même offense.*

Action renvoyée avec dépens.

Sicotte & Chauvin, avocats des demandeurs.
Lavallée & Olivier, avocats du défendeur.
(J. J. B.)

PARLIAMENTARY DIVORCE.

To the Editor of the LEGAL NEWS:

SIR,—A telegraphic communication received from Ottawa and published in the Montreal newspapers a few days ago, has revealed the alarming fact of an increase of petitions for legislative interference in divorce matters when the next session opens at Ottawa. In the face of such information it will be interesting to examine the comments of the correspondent "M. M.," who gives in the *Legal News* his appreciation of a book published by Mr. John A. Gemmill, solicitor, on "Parliamentary Divorce." As I do not know the book in question, it is impossible for me to pass judgment on its merits. But it is quite a different thing with the personal opinions of the correspondent. They furnish serious grounds for criticism, as they are susceptible, if acted upon, of materially affecting the law of the country on matters pertaining to divorce, and indirectly the relations of Church and State, on such a momentous question. Under those circumstances, the legal community is interested in having a fair discussion on the subject.

After having commented upon the fact that divorce is not popular in Canada, as compared with more advanced countries, the author of the article seems to admit that this state of things is due, for the greater part, to the influence of the Catholic feeling predominant in the Parliament of Canada.

Coming from a Protestant, that admission is worthy of notice. But apart from such a declaration, the rest of the article is clearly written in a spirit of hostility against the traditions and belief of the Catholic Church. As every man's conscience is free in questions of creed or faith, I will refrain from trespassing upon the religious rights and liberty of the correspondent.

In order to support his argument "M. M." addresses himself to the authority of public law, *id est*, to the omnipotent power of the State. True it is, that the right to enact general laws on marriage and divorce has been vested with the Parliament of Canada by the B. N. A. Act of 1867. Catholics, guided and encouraged by their devoted clergy, have loyally submitted to the new constitution, although it contained arbitrary and unjust provisions, repugnant to their religious feelings. It is an accomplished fact. But there exists a concurrent power which is rooted in every man's conscience; it is the law of nature and justice. Although we must obey the laws of the country, we must look to their sanction in a spirit which should be in accord with reason and the general good of society. The power to grant divorce is a constitutive part of a general Act sanctioned by Imperial authority, and consequently it is public law. Nevertheless, as far as individuals are concerned, the right to obtain divorce is optional and depends on a quasi judicial intervention. Now, Catholics and Protestants alike have an equal duty to protect themselves; they have the same interest in the question of divorce. If the rights of consorts under their marriage contract are ruled by private legislation in each province of our Dominion, and if such rights are, by constitution, placed beyond the

reach of federal jurisdiction, when will public law begin to interpose? Moreover, if public order is in jeopardy through the sanction of such a law as would disturb and even seriously impair the civil status of a large portion of the community, why not strenuously oppose the interference of any invidious authority? This is not a question of emergency or expediency. Even natural law would be doomed to complete destruction, were such perversion of higher rule as the one exemplified by the historical demonstration of the writer to prevail. I hope the partisans of state supremacy will ponder, and yield to the more benignant influence of Christianity and to the claims of social and individual liberty.

Notwithstanding his misconception of the principles of natural law which God has inculcated into the heart of every human being, notwithstanding his imperfect knowledge of canon law, the author of the article is himself forced to the conclusion that there exists among those friendly to the doctrine of divorce a feeling far superior to the dictates of public law, capable of checking a violent or deluded attempt against public or private morality. The statistics with which the article is replete, coupled with quotations from important speeches delivered by talented jurisconsults on the floor of the Parliament of Canada, give special strength to the above notions in regard to the indissolubility of marriage. In fact, no better argument than an argument based upon the authority of experience, as recorded in the life of civilized countries, can be propounded or adduced against domestic depravity and the influence of vicious legislation. The writer must be congratulated on his historical and retrospective demonstration. In dealing with the religious aspect of that question, there is, as regards the Catholic population of this country, an objection far more serious than the above feeling—it is the doctrine of the Roman Church on the indissolubility of marriage. That doctrine is a dogma which binds every man born and living in communion with the Catholic Church. According to it marriage is not only considered as a civil contract but as a sacrament of a divine origin, whose rulings are sacred and cannot be ignored.

As a matter of conscience, no Catholic can vote for a bill or any legislation purporting to sanction a demand for divorce. Nay, more, and notwithstanding the authority of the "public law" invoked by the writer, a Catholic who, after having obtained from Parliament such a demand should marry again during the life of the other party, would *ipso facto* be in open rebellion with his church, and is liable to excommunication. This rule of the Catholic Church must be obeyed by all those who profess to submit to it. "M.M." is at liberty to accept or repudiate said doctrine. In fact he does not even propose to discuss the question, but in support of his argument he quotes certain ordinances and propositions of canon law about whose exact meaning he feels rather perplexed. Forsooth, he is in error, when he pretends that the canon of indissolubility must be held as the arbitrary interpretation of the Catholic Church as represented in the Council of Trent. The principles advocated by such French writers as Pothier, Merlin, cited by the correspondent, have no solid foundation in the face of the solemn and sacred teaching of the Gospel and the history of the Catholic religion. Pothier and Merlin were imbued with Gallicanism, and their books, although containing brilliant and generally sound erudition on purely civil matters, have been influenced on religious questions by the spirit of the age, favorable to the doctrine of divorce. Respecting, as I do, the religious convictions of "M.M.," I cannot reproach him with his sympathy for such eminent doctors, but, in all frankness, I must tell the Protestant gentleman that Rome will never consent to accept their dictum on matters of faith or ecclesiastical discipline.

Having thus expounded the dogmatic view of the question I will now revert to the legal issue. The learned critic admits the important fact that the civil law of the province of Quebec (Art. 185, Code of Civil Law) proclaims the indissolubility of marriage. The Article quoted is the best answer to his fine display of legal science and powerful array of authorities. On what possible ground a law so clear and so positive, enacted for the protection and maintenance of the civil status of the subject and the equal rights between

consorts under their marriage contract, could be thus overthrown by an incidental legislation I cannot conceive. The framers of the Confederation Act never intended to give unlimited jurisdiction to the Parliament of Canada on marriage or divorce so as to encroach upon the liberties and privileges guaranteed to the inhabitants of this country by former treaties. My opinion, judging from the stand-point of my religious convictions, is that divorce, in so far as the Catholic consorts are concerned, is a complete nullity and is not binding, the existing laws in Lower Canada acknowledging in plain terms the principles of marriage indissolubility. Whether Protestants are bound to the same extent is a matter of very serious consideration. Clauses 91 and 92 of the Constitutional Act are conflicting on the subject. According to the best authorities on the question, divorce cannot be enforced in any of the provinces of our Dominion of Canada, except where said divorce is not repugnant to former treaties or civil laws in existence at the time the Confederation Act was passed. It is asserted that even Protestant divorced consorts entering into a second marriage, when the first one has not yet been dissolved by the natural death of one of the parties, are, especially in Lower Canada, deprived of certain rights or civil status, which they have enjoyed under ordinary circumstances, through their marriage contract. But, at all events, it is wise and sound policy, in a mixed community like ours, not to disregard the rules and dictates of the different Churches, in order to find out the intention of the lawmakers and the correct interpretation to be placed upon the above clauses of our constitution.

The correspondent had evidently in view those differences of legislation and the predominant influence of religious feeling in the Parliament of Canada when he proposed the creation of a Divorce Court for the whole Dominion. By that plan, the judicial power would replace the legislative authority, or rather would have a concurrent jurisdiction. The suggestion is made as a means to do away with the costly procedure of parliamentary machinery, and to adopt a simple and cheap system whereby both rich and poor could obtain equal justice, if necessary.

The proposed change would be far more dangerous than the existing state of things. "M. M." has cited facts and furnished data showing the evils caused by divorce laws in many countries of the civilized world. Why should we open the door to still greater abuses, and give depraved or unhappy consorts facilities which they are now refused by our present constitution? I fail to see the wisdom of such a policy. To pretend that in leaving to Parliament alone the right of granting divorce is "to bow the knee to an *imperium in imperio* and an abnegation of "British right and self-respect," is going a little too far. One might be a free and loyal subject of Her Majesty, and consider that national dignity and individual liberty do not require more than an institution like the eminent body of our Canadian legislators in order to solve those difficult problems. I would be pleased if our Parliament in its quasi-judicial authority could adopt more stringent rules in enquiring and adjudicating upon all divorce matters. We cannot point to a single instance in the history of British institutions, or of any other civilized countries, where the promulgation of laws of divorce, and the creation of special courts to enforce them, have been productive of any good and beneficial result to religious and social order. This assertion is a little at variance with the opinions of eminent statesmen and writers cited in the article impugned; still, I feel it my duty to declare my sentiment boldly and courageously. The example of the Imperial Parliament of England, cited by Mr. Gemmill's critic, only goes to show that in saddling a Court of Divorce with this question Parliament wanted to get rid of a very serious responsibility. Consequently I cannot but deplore the following lines in the article under discussion: "The doors of a Divorce Court may be open to all, and yet no one can be obliged to resort to it against his will. If in fault against one entitled to such remedy and using it, that is the penalty of his or her own sin; no sacrament can cover civic crime."

What is the meaning of such an argument? It means that divorce is the only remedy against domestic infelicity or the criminal excesses of consorts. Does the correspondent

ignore that laws and courts of justice exist all over the world, which provide ample and sufficient protection? In Canada, as elsewhere, the action of separation from bed and board is on our Statute book. By such separation the guilty party is divested of certain rights which he had the privilege to enjoy by his marriage contract, and both consorts are granted their liberty. This is not divorce *a vinculo*, but incomplete and temporary separation, which the consorts can destroy at any moment, under certain conditions provided by law. Those principles of civil and canon law are in accordance with both nature and Christ's inculcation. To shut his eyes to the shining influence of those principles is to fall back on the dark period of antiquity, when Paganism was the rule of the world, when men were living in a degraded condition, like cruel tyrants, and women were nothing but slaves. The theory of public law, or *jus gentium*, is a sensible and reasonable proposition, and is more in harmony with the spirit of our modern civilization; nevertheless, our enlightened society will always hold in contempt the institution of divorce, lest it should be given as the violent offspring of that higher law, which, according to the opinion of the critic, must prevail. I repeat it, for the Catholic population of this country, this principle of our constitution, whose effect is to destroy completely the matrimonial bonds of consorts, is in direct opposition with the doctrine of the Catholic Church, and when the correspondent says: "No sacrament can cover civic crime," he interferes in a question which he is not competent to decide.

The feeling about unhappy matrimonial unions, whose bitterness it is intended to alleviate by broader legislation, is, I know, suggestive of some sympathy and philanthropic argument. But the experience of past centuries is a lesson for our young Canada. What has been a curse for humanity in ancient times will be the curse of present and future generations. Then any serious move in the way of creating a Divorce Court for Canada must be impeded by all means. There is a sufficient number of courts of justice in this country to adjudicate upon all questions of nullity of marriage and on actions for separation from bed and board.

This line of argument will be found perhaps too rigid for "M. M." In the face of the following assertions of the writer, I am bound to take more than a sensible view of the disputed question: "State and Church are distinct," and the correspondent adds in the same strain: "We give unto Cæsar the things that are Cæsar's; unto God the things that are God's. The mind that ignores such doctrine is unfit for self-government, unfit to rule Canada in its enlightenment, and in every regard, is not in harmony with the spirit of the age." Well, now, I appeal to the best second thought and wisdom of the writer. Do not the eminent men and the authorities whose testimony he invokes, agree to declare that indissolubility of marriage is the real safeguard of family purity and public order? Have not social and religious institutions of every country admitted the necessity of abolishing divorce laws enacted by special legislation, as a means to check the increase of public and private corruption consequent on their promulgation? I might quote innumerable authorities and precedents to sustain my opinion. Suffice it to say that modern civilization does not care to go through the ordeal of all the scandals and disorders which have been the lot of humanity in times past.

In concluding these remarks I cannot but enter my solemn protest against the error which seeks to separate the interests of Church and State on the question of indissolubility of marriage. These interests are identical, and in their union only can we find the true remedy against the immoral pursuit of a legislation favorable to divorce. A policy inimical to such doctrine is a real danger for Church and State.

In the words of the correspondent, I will now close and say: "The mind that ignores such doctrine is unfit for self-government, unfit to rule Canada in its enlightenment, and in every regard is not in harmony with the spirit of the age."

J. L. ARCHAMBAULT.

Aug. 1, 1889.

THE JUDICIARY OF ILLINOIS.

The following is from Lusk's "Eighty Years of Illinois Politics and Politicians":—

"The judges in early times in Illinois, were gentlemen of considerable learning. In general, they were adverse to deciding questions of law. They never gave instructions to a jury, unless expressly called for, and then only on the points of law raised by counsel asking for them. I knew one judge, who, when asked for instructions, would rub his head and the side of his face with his hand, as if perplexed, and say to the lawyers: 'Why, gentlemen, the jury understand the case; they need no instructions; no doubt, they will do justice between the parties.' This same judge presided at a court in which a man named Green was convicted of murder, and it became his unpleasant duty to pronounce sentence of death upon him. He called the prisoner before him and said to him: 'Mr. Green, the jury in their verdict say you are guilty of murder, and the law says you are to be hung. Now, I want you and all your friends down on Indian Creek to know that is not I who condemns you, but it is the jury and the law. Mr. Green, the law allows you time for preparation, and so the court wants to know what time you would like to be hung?' To this the prisoner replied: 'May it please the court, I am ready at any time; those who kill the body have no power to kill the soul; my preparation is made, and I am ready to suffer at any time the court may appoint.' The judge then said: 'Mr. Green, you must know that it is very serious matter to be hung; it can not happen to a man more than once in his life, and you had better take all the time you can get; the court will give until this day four weeks. Mr. Clerk, look at the almanac and see whether this day four weeks comes on Sunday.' The clerk looked at the almanac, as directed, and reported that that day four weeks came on Thursday. The judge then said: 'Mr. Green, the court gives you until this day four weeks, at which time you are to be hung.' The case was prosecuted by James Turney, the Attorney-General of the State, who here interposed and said: "May it please the court, on solemn occasions like the present, when the life of a human being is to be sentenced away for crime by an earthly tribunal, it is usual and proper for courts to pronounce a formal sentence, in which the leading features of the crime shall be brought to the recollection of the prisoner, a sense of his guilt impressed on his conscience, and in which the prisoner should be duly exhorted to repentance, and warned against the judgment in a world to come.' To this the Judge replied: 'O, Mr. Turney, Mr. Green understands the whole matter as well as if I had preached to him a month. He knows he has got to be hung this day four weeks. You understand it in that way, Mr. Green, do you not?' 'Yes,' said the prisoner, upon which the judge ordered him to be remanded to jail, and the court then adjourned."

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Aug. 17.

Judicial Abandonments.

Malvina Dubois, doing business under name of F. Arpin & Co., Montreal, Aug. 12.

Auguste Gendron, hay dealer, Montreal, Aug. 10.

Eusèbe Huot, hardware merchant, Montreal, Aug. 13.

Pierre Léonard, boarding-house keeper, Montreal, Aug. 12.

J. A. Placide Renaud, hardware merchant, Drummondville, Aug. 13.

Curators appointed.

Re Andrew Boa, Lachute.—W. J. Simpson, Lachute, curator, Aug. 10.

Re Collette, Decary & Co.—C. Desmarteau, Montreal, curator, Aug. 13.

Re J. E. Constantin & frère, Ste. Julienne.—Kent & Turcotte, Montreal, joint curator, Aug. 12.

Re N. Leroux & Co.—C. Desmarteau, Montreal, curator, Aug. 13.

Dividends.

Re Desilets & de Grandpré, Ste. Eulalie. — First and final dividend, payable Sept. 5, T. Beliveau, St. Wenceslas, curator.

Re J. Bte. Dionne.—First and final dividend, payable Sept. 4, J. E. Girouard, Drummondville, curator.

Re L. P. Guillemette.—First and final dividend, payable Aug. 29, Bilodeau & Renaud, Montreal, joint curator.

Re J F. Letourneux, first dividend, payable Sept. 9, Kent & Turcotte, Montreal, joint curator.

Re Alexandre Maranda.—First and final dividend, payable Sept. 1, J. P. Germain, St. Hyacinthe, curator

Re H. E. Pelletier, Ste. Louise.—First dividend, payable Sept. 3, H. A. Bedard, Quebec, curator.

Re Adélard Voiseux, inn-keeper, Belœil. — First and final dividend, payable Sept. 3, J. P. M. Bedard, Belœil, curator.

Separation as to Property.

Léa Jacques vs. Philippe Richard, parish of St. Pierre Les Becquets, Aug. 8.

Célina Bleigner dit Jarry vs. Emery Denis, Montreal, Aug. 14.

Philomène Tellier vs. François Vézina, Montreal, Aug. 1.