The Legal News.

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Chief Justice Waite, of the U. S. Supreme Court, speaking at a breakfast given to the Justices of that Court by the Bar of Philadelphia, referred to the crowded docket of his Court in the following terms:—"The law which fixes at this time the appellate jurisdiction of the Supreme Court was enacted substantially in its present form at the first session of Congress, nearly one hundred years ago. With few exceptions, and these for all practical purposes unimportant to the point I wish to make, the jurisdiction remains to-day as it was at first, and consequently, with a population in the United States approaching 60,000,000 and a territory embracing nearly 3,000,000 square miles, the Supreme Court has appellate jurisdiction in all of the classes of cases it had when the population was less than 4,000,000 and the territory but little more than 800,000 square miles. Under such circumstances it is not to be wondered at that the annual appeal docket of that court has increased from 100 cases, or perhaps a little more, half a century ago, to nearly 1,400, and that its business is now more than three years and a half behind; that is to say, that cases entered now, when the term of 1887 is about to begin, are not likely to be reached in their regular order for hearing until late in the term of 1890. In the face of such facts it cannot admit of a doubt that something should be done, and that at once, for relief against this oppressive wrong. It is not for me to say what this relief shall be, neither is this the time to consider it. My present end will be accomplished if the attention of the public is called to the subject and its importance urged in some appropriate way on Congress. What is required is a reduction of the present appellate jurisdiction of the Supreme Court, and if this is insisted upon it will be easy to find very many classes of cases which need not necessarily be taken to that court for final determination, and which can be disposed of with much less expense and quite as satisfactorily by some proper inferior court having the necessary jurisdiction for that purpose, and having sufficient character and dignity to meet the requirements of litigants. Such a court will not be the Supreme Court, but it will be the highest court of the United States which can under the Constitution, be afforded for the hearing and determination of such causes. I ask the Bar of Philadelphia to do what it can in this behalf and thus help to make the Supreme Court what its name implies, a powerful auxiliary in the administration of justice, and not what unfortunately with its present jurisdiction it now is, to too great an extent, an obstacle standing in the way of a speedy disposition of appealed cases. It is worthy of, and certainly was intended for better things."

The delays in the administration of justice in the district of Montreal have recently been discussed at considerable length, and also with considerable warmth. The criticisms of the bar have provoked retorts from the bench. These differences are hardly conducive to the good feeling which should exist between the parties concerned. No one has ventured to state that the majority of the judges are not anxious to facilitate the dispatch of business, and the object in view would probably be better attained by a conference at which the difficulties could be freely discussed.

SUPREME COURT OF CANADA.

The following order, entitled "General Order No. 83," has been passed by the Judges of the Supreme Court:—

Whereas by "The Supreme and Exchequer Courts Act," sec. 109, as amended by chap. 16 of the Act passed in the 51st year of Her Majesty's reign intituled "An Act to amend 'The Supreme and Exchequer Courts Act' and to make better provision for the trial of claims against the Crown," it is provided that the judges of the Supreme Court, or any five of them, may, from time to time,

make general rules and orders for certain purposes therein mentioned, and among others for empowering the Registrar to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same, as by virtue of any statute or custom, or by the practice of the Court, was at the time of the last mentioned act, or might be thereafter, done, transacted, or exercised by a Judge of the Court sitting in Chambers, and as might be specified in such rule or order. It is therefore ordered:

1. That the Registrar of the Supreme Court of Canada be and is hereby empowered and required to do any such thing, and to transact any such business, and to exercise any such authority and jurisdiction in respect of the same, as by virtue of any statute or custom, or by the practice of the Court, was at the time of the passing of the said last mentioned Act, and is now, or may be hereafter, done, transacted, or exercised by a Judge of the said Court sitting in Chambers, except in matters relating to:—

(*a.*) Granting writs of *habeas corpus* and adjudicating upon the return thereof.

(*b.*) Granting writs of *certiorari*.

2. In case any matter shall appear to the said Registrar to be proper for the decision of a Judge, the Registrar may refer the same to a judge, and the Judge may either dispose of the matter, or refer the same back to the Registrar with such directions as he may think fit.

3. Every order or decision made or given by the said Registrar sitting in Chambers, shall be as valid and binding on all parties concerned, as if the same had been made or given by a Judge sitting in Chambers.

4. All orders made by the Registrar sitting in Chambers, are to be signed by the Registrar.

5. Any person affected by any order or decision of the Registrar may appeal therefrom to a Judge of the Supreme Court in Chambers.

(*a.*) Such appeal shall be by motion, on notice setting forth the grounds of objection and served within four days after the decision complained of, and two clear days before the day fixed for hearing the same, or served within such other time as may be allowed by a Judge of the said Court or the Registrar.

(*b.*) The motion shall be made on the Monday appointed by the notice of motion, which shall be the first Monday after the expiry of the delays provided for by the foregoing sub-section, or so soon thereafter as the same can be heard by a Judge, and shall be set down not later than the preceding Saturday in a book kept for that purpose in the Registrar's office.

6. For the transaction of business under these rules, the Registrar, unless absent from the city, or prevented by illness or other necessary cause, shall sit every juridical day, except during the vacations of the Court, at 11 a.m., or such other hour as he may specify from time to time by notice posted in his office.

October 17th, 1887.

SUPERIOR COURT.

SWEETSBURGH, September 30, 1887.

Coram TAIT, J.

HON. H. MERCIER es qual. v. THE WATERLOO & MAGOG RAILWAY COMPANY.

Recusation—Procedure—C. C. P. Arts. 178-181, 183 & 184.

HELD:—1. *That the delay provided by Art.* 181 *applies only to the proceeding of the party making recusation, and not to the case where the judge recuses himself or the grounds of recusation are notorious.*

2. *That whilst the parties must be heard, the truth of the grounds of recusation is the only subject for adjudication.*

3. *That no notice is necessary previous to communication to the judge recused, of the petition in recusation.*

4. *That inscription and not motion is the proper proceeding to have a petition in recusation brought up for trial.*

PER CURIAM.—On the 15th June last, the plaintiff in his quality of Attorney General

of this Province, presented a petition to Mr. Justice Brooks at Sherbrooke, asking for an injunction against defendants. That Honorable Judge declared in writing upon the petition that he was incompetent to receive the same or to make any order thereon, as he was a Director of the Company. The petition was then, on the same day, presented to Mr. Justice Plamondon, who happened to be in Chambers, at Sherbrooke, and he ordered that a copy of the petition should be served upon the defendants, together with a copy of the order which he then made requiring them to appear before him in Chambers at Arthabaskaville, on the 20th June, to show cause against issue of writ.

The service of the petition and declaration of Judge Brooks, and the order of Judge Plamondon was duly made, and at Sherbrooke on the 2nd July following, that learned Judge ordered the writ to issue on security being given, and the writ was issued and returned into the Superior Court on the 2nd August.

The defendants thereupon filed a *défense en droit*, and other pleas, issue was joined thereon, and the defendants inscribed the case on 13th August, for hearing on the *défense en droit*, for 17th August.

On the 16th August, defendants made a petition addressed to the Superior Court, at Sherbrooke, setting forth that Judge Brooks was the sole Judge residing in that district, and was a director and Vice-President of the Company defendants, and therefore disqualified from sitting. This petition, without any previous notice or service upon plaintiff, was communicated to Judge Brooks, and he thereupon made a declaration in writing that he had received communication of it; that the grounds of recusation and disqualification therein set forth were true, and designated the district of Bedford, as that to which the record should be transmitted.

On the same day, the defendants served a copy of the petition in recusation, and of the declaration of the Judge upon the plaintiff, and gave him notice to govern himself accordingly. The record was not transmitted to this district until about the 7th of the present month. There are now two motions presented to me, one by each of the parties.

The plaintiff by his motion asks that the petition in recusation, and the declaration of the Judge thereon, be rejected from the record, and the record be transmitted back to St. Francis District, for several reasons, which may be stated in substance as these: 1st, Because Mr. Justice Brooks had already recused himself when the petition for the injunction was first presented; and the writ had been granted by Judge Plamondon at Sherbrooke, who was seized of the case and still is seized with it in the District of St. Francis. 2nd. Because the petition in recusation had been filed without notice to plaintiff. 3rd. Because the defendants having inscribed the case for hearing on the *défense en droit* this court could not hear it, and moreover defendants had by inscribing waived their right to have the record brought here.

The Counsel for the plaintiff urged in support of his motion that the defendants being aware of the declaration made by Judge Brooks *in limine litis*, they were bound under Art. 181 C. C. P., to proceed within eight days to have the declaration acted upon, and having failed to do this they are now too late. He contended therefore that Judge Plamondon who granted the writ at Sherbrooke, on the 2nd July, is still seized with the case: that no new declaration of disqualification could be made by Judge Brooks after eight days from service of first declaration upon the defendants: that no petition in recusation could be based upon any subsequent declaration, and that all the proceedings in recusation are null, and the case is now pending at Sherbrooke, before Mr. Justice Plamondon, or any other Judge who may happen to take it up and hear it there.

The defendants by their motion ask that the grounds of recusation be declared well founded, and that the Prothonotary of this Court be ordered to forthwith place the cause upon the roll in the same manner that it was when transmitted from St. Francis District, and that the Court or Judge thereof do forthwith proceed and adjudicate upon all proceedings in the cause to final judgment. I will deal with the motions in the order stated. [The learned Judge here read the Articles of the C. P. 178-184.]

As already mentioned, the petition for injunction was presented to Judge Brooks without previous notice to defendants, and upon his declaration before mentioned, plaintiff, without any notice to defendants, went before Judge Plamondon, who happened to be there, and he gave the order to appear before him in Arthabaskaville. It was only when Judge Plamondon had become seized of the case, that the petition and Judge Brooks' declaration were served upon defendants together with the order to appear at Arthabaskaville, which defendants did apparently under protest. The plaintiff did not evidently question Judge Brooks' declaration, but acquiescing in it, was no doubt glad, in a case like this requiring despatch, to avail himself of the presence of Judge Plamondon. That Honorable Judge remained seized with the case till he rendered judgment on the 2nd July, ordering the writ to issue. I would only be too happy if I could hold that he is still seized with it, either at Arthabaskaville or Sherbrooke. It is impossible of course to hold that the case is pending at Arthabaskaville, for the learned Judge of that district only heard the argument there as a matter of convenience, — the case was before him as a judge acting for St. Francis district in which he received the petition and rendered his judgment. Nor do I think the contention that he is seized with the case at Sherbrooke well founded. While there temporarily he was seized with it, to determine an incident connected with it, but that did not seize him with it to final judgment. His duty was performed when he determined the question before him, and if any other view were adopted it would bring the administration of justice into the greatest confusion. How could that Honorable Judge be required to leave his district whenever the parties required his presence at Sherbrooke? In the matter of injunctions section 7 of the Injunction Act has, in order to avoid any doubt, expressly provided that in any proceedings commenced under the Act, *any judge* of the Superior Court shall at any stage of the proceedings, have the same power to act therein as the Judge before whom such proceeding was commenced. There seems to be something contradictory about the position taken by the plaintiff in saying on the one hand that the Hon. Mr. Justice Plamondon is seized with the case, and on the other that the proceedings in recusation are null and void, for if the latter pretention is correct Judge Brooks, as the resident judge of the district, is the proper judge to try the case.

The really important questions are, whether I should order the record to be returned because (1) the defendants did not within the delay of eight days from the date when they were served with Judge Brooks' first declaration take proper steps to recuse him as required by Art. 181; and because (2) plaintiff was not served with the petition in recusation before it was communicated to Judge Brooks and filed. Now what strikes me at the outset is, that here is an important case to be tried which is pending in a district where there is but one resident judge, who has performed his duty by declaring from the first moment the case was brought before him certain grounds of disqualification. Both parties have by their proceedings practically acknowledged the force of the grounds given by the learned Judge. The plaintiff immediately on the grounds being made known to him took the case before another judge and does not now pretend that Judge Brooks should hear the case, while the defendants have actually taken proceedings in recusation. If I send the case back it must be because I think Judge Brooks should try it as he is not properly recused,—or because I think another judge should be provided to try it at Sherbrooke. I do not consider I should be justified in adopting either of these reasons under the circumstances of this case, even if the procedure preliminary to the petition in recusation does not come up to the precise standard required by the Code of Procedure, which is itself indeed, not as clear as it might be.

The plaintiff claims that the declaration made by Judge Brooks on the petition for injunction, on the 15th June, is to be considered as a declaration of disqualification under Art. 179 C. C. P., and that the defendants are not within the delay of eight days mentioned in Art. 181, nor had the delay been extended by the Court as required by that

article. It is evident to me that those who framed that article upon the provisions of the Ordinance of 1667 did not sufficiently consider the state of things existing in this Province where in many districts there is but one judge who holds the Court, and therefore, speaking in a certain sense, no Court to adjudicate upon an application for delay except one presided over by that judge. Our judicial organization is not the same as it was in France, as there were and are still in each district or jurisdiction there a number of judges sitting in the same tribunal, and whenever a recusation was offered it was adjudicated upon by the colleagues of the recused judge. But in our rural districts the provision of the article regarding extension of delay by a Court is difficult to put in practice. Apart from this, however, the ordinance throws some light on this question of the eight days delay.

The words of the French version of Art. 181 are: "Après lequel délai elle n'y est plus "reçue, à moins que le tribunal n'étende le "délai pour cause suffisante." The words of the Ordinance are: "Après lequel temps il "n'y sera plus reçu," that is, the party will be prevented from filing a recusation. Jousse in his commentaries on that Ordinance (art. 20 of title 24) says: note 1. *Après lequel temps il n'y sera plus reçu.* C'est à dire que le juge alors restera juge, s'il s'agit d'un procès civil, et il ne peut pas être récusé, *à moins que la cause de récusation ne fût notoire, et du nombre de celles qui fassent présumer l'opinion du juge, auxquels cas il est plus prudent au juge de se récuser lui-même, etc.*

This, it appears to me, shows that the delay of eight days, enacted as well by our Code as by the Ordinance, applies only to the proceedings of the party making the recusation, but does not apply when the judge recuses himself, or when the grounds for his recusation are notorious or sufficient to indicate what would be his opinion. It seems to be unreasonable to hold that a judge who has recused himself on what appear to be, *prima facie*, good grounds should be forced to hear the case, because of the failure by one of the parties of the observance of some formality — in other words to make the judge's recusation of himself depend upon matters beyond his control. Besides this I may say that I doubt very much if I ought in a case like this, to go behind the petition in recusation and the declaration of the judge and his order transmitting the record here, to examine closely a mere question of delay in presenting the petition. The judge has declared himself disqualified on certain grounds, and on looking at articles 183 and 184 C. C. P., it seems to me my duty is confined to determining if these grounds are well founded or not. Art. 183 says the petition must contain the *grounds* of recusation. Art. 184 says the judge is to declare whether the grounds are true or not, and that another judge is to determine whether the recusation is founded or not—and the subsequent articles in the same section shew that this is really what is before me, viz: whether the *grounds* of recusation are founded or not. If they are well founded, then this Court remains seized of the case (Art. 188 C. C. P.) There is nothing to justify me in sending the record to Sherbrooke to be tried by some Judge other than Judge Brooks. Of course the plaintiff must have an opportunity of being heard, and this brings me to his objection that he should have been served with the petition in recusation before it was communicated to Judge Brooks or filed.

The object of giving plaintiff notice of petition would be, that he might be heard upon it, but this petition was not to be heard before Judge Brooks. He was given communication of it under Arts. 184 and 185 in order that he might declare in writing whether the grounds of recusation were true or not, and designate the neighboring district where the record should be transmitted to have such grounds tried. He did declare them true, and thereupon the petition and declaration were served upon plaintiff, and he has now an opportunity of being heard upon the petition before the tribunal which has been properly designated to hear and determine it.

As to plaintiff's claim that this Court cannot hear this petition and that defendants have waived any rights by reason of the inscription for hearing on the *défense en droit*, I do not think it is well founded. And finally I may say that this petition ought not to be met by a motion. Upon the whole

therefore I am of opinion that the plaintiff's motion should be dismissed.

As to defendants' motion it does not appear to me to be the proper proceeding to adopt. The petition in recusation is a proceeding in itself which should be disposed of as petitions usually are. The plaintiff has a right to contest it and to make proof. The parties must be heard upon the petition and not upon the motion, and judgment must be rendered upon the petition itself, declaring whether or no it is well founded. I cannot give judgment declaring it well founded on a motion. It seems to me it should be brought either before the Court on an inscription or before me in Chambers after notice to the opposite party of its intended presentation. It is for the defendants to adopt the proper course to have it brought up for trial, and I do not think a motion asking that I declare it well founded is the proper course. I therefore reject defendants' motion also. No costs will be allowed either party as they each fail.

Mercier & Co., for petitioner.

L. C. Belanger, Q. C., & H. D. Duffy, Counsel.

J. P. Noyes, Q. C., for defendants.

Wm. White, Q. C., Counsel.

(J. P. N.)

NOTE.—Defendants subsequently inscribed on the petition, and thereupon the recusation was declared well founded and the record ordered to remain in the district of Bedford.

COUR DE CIRCUIT.

MONTREAL, 30 juin 1887.

Coram MATHIEU, J.

VALADE v. LEVY *et al.*

Interdiction — Curateur — Choses nécessaires à la vie.

JUGÉ:—*Que le créancier a un droit d'action contre le curateur es-qualité à un interdit, pour les choses nécessaires à la vie, qu'il aurait vendu personnellement à l'interdit, sans l'assistance du curateur.*

Le défendeur Lévy était interdit pour prodigalité, et alors qu'il résidait loin de son curateur, il acheta du demandeur un certain nombre de minots de patates et lui fit faire des travaux dans son jardin, le tout au montant de $8.50.

L'action du demandeur pour ces $8.50 était dirigée contre l'interdit et son curateur es-qualité. Ce dernier plaida que Lévy était interdit et n'avait aucun droit de contracter de dettes sans l'autorisation de son curateur, que par suite, il ne pouvait être poursuivi pour les obligations qu'il aurait contractées personnellement.

La Cour a rendu jugement pour le demandeur sur le principe que la marchandise vendue consistait en choses nécessaires à la vie, et que les services rendues étaient aussi nécessaires, vu l'état de fortune de Lévy ; que le curateur qui vivait loin de l'interdit était censé consentir à ce que l'interdit contracta dans des bornes raisonnables et pour des choses nécessaires, suivant ses moyens.

Jugement pour le demandeur.

J. J. Beauchamp, avocat du demandeur.

Chapleau, Hall & Nicolls, avocats des défendeurs.

(J. J. B.)

COURT OF QUEEN'S BENCH—MONTREAL. *

Action en reddition de compte—Saisie-arrêt avant jugement.

Dans une action en reddition de compte une saisie-arrêt avant jugement fut émise pour saisir et retenir entre les mains du demandeur le montant d'un jugement que le défendeur avait obtenu contre lui. Trois ans avant l'institution de cette action, le défendeur avait recélé certains de ses effets pendant 15 jours pour se mettre à l'abri d'un jugement obtenu contre lui par le défendeur, lequel jugement fut subséquemment renversé. A la même époque, le défendeur avait aussi transporté des immeubles à son neveu sous une condition résolutoire accomplie avant l'institution de la présente action.

Jugé, 1o. Qu'un créancier peut saisir avant jugement entre ses propres mains ;

2o. Que dans une action en reddition de compte il n'y a pas lieu à une saisie-arrêt avant jugement ;

3o. Que, pour les fins d'une saisie-arrêt avant jugement, il faut que le défendeur recèle présentement lors de la date de l'affidavit ou qu'il soit sur le point de recéler.—*Do-*

* To appear in Montreal Law Reports, 3 Q. B.

rion & Dorion, Dorion, J.C., Tessier, Cross, Baby, JJ., 17 septembre 1887.

Filiation—Identité—Preuve.

Jugé, Que l'adjudicataire d'un immeuble substitué, autorisé à garder entre ses mains partie du prix de l'adjudication jusqu'à l'ouverture de la substitution sous condition de la rapporter lors de cette ouverture, est lié par la reconnaissance, faite par ses auteurs, de l'état civil du grevé qui demande le rapport des deniers.—*Beaudry & Courcelles Chevalier*, Dorion, J.C., Cross, Baby, Church, JJ., 20 septembre 1887.

Husband and wife—Household Expenses—Credit given to wife—C. C. 165, 1317—Responsibility of the Wife where nothing remains to the Husband.

Held, (affirming the decision of Loranger, J., M. L. R., 1 S. C. 335):—Where a wife *séparée de biens*, living with her husband, orders goods for the maintenance of the family, and the goods are charged to her in the books of the vendor, and the husband is without means, the wife is liable for the whole cost thereof, under the provisions of C.C. 1317, notwithstanding the fact that by the marriage contract the husband alone was bound to pay the expenses of the household.—*Griffin et vir & Merrill et al.*, Dorion, C.J., Tessier, Cross, Baby, JJ., Jan. 24, 1887.

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*SUPERIOR COURT—MONTREAL.**

Prescription—Taxes municipales—Action hypothécaire—Tiers détenteur.

Jugé, 1. Que le tiers détenteur poursuivi hypothécairement peut opposer à l'action tous les moyens que le débiteur personnel pourrait y opposer lui-même.

2. Que l'action hypothécaire n'interrompt pas la prescription à l'égard du débiteur personnel, qui peut intervenir dans cette action et plaider la prescription acquise depuis la signification de l'action au tiers-détenteur.—*La Cité de Montréal* v. *Murphy*, Taschereau, J., 13 mars 1886.

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* To appear in Montreal Law Reports, 3 S. C.

Responsibility—Damage to Mare at time of connection.

Held, That the proprietor of a stallion is not responsible for the death of a mare, where the death is the result of an error *de voie* committed by the stallion at the time of the connection, unless it be proved that the error had for its cause some fault on the part of the owner of the stallion, or of the servant of the owner.—*Brouillet* v. *Coté*, In Review, Torrance, Buchanan, Mathieu, JJ., (Mathieu, J., *diss.*), June 30, 1886.

Opposition—Affidavit—Connaissance personnelle—Rejet sur motion.

Jugé, Que dans un affidavit au soutien d'une opposition afin d'annuler, le déposant doit jurer d'après sa connaissance personnelle et non suivant les informations qu'il aurait reçues; qu'ainsi lorsque le déposant dépose que les faits "*sont vrais, en observant* "*toutefois qu'il n'a été informé des faits suivants mentionnés dans l'opposition ci-dessus* "*que d'après les déclarations de son avocat*," l'affidavit est illégal et irrégulier, et l'opposition pourra être renvoyée sur motion.—*Morin* v. *Morin*, Mathieu, J., 27 juin 1887.

Allégations vagues dans un plaidoyer—Demande de rejet sur motion—Délai.

Jugé, Que dans une action en dommage pour libelle, une motion demandant le rejet, du plaidoyer, de certaines allégations trop vagues et insuffisamment libellées, est de la nature d'une exception à la forme, et doit être faite dans un délai raisonnable.—*Chapleau* v. *Trudelle*, Mathieu, J., 16 mai 1887.

Communauté de biens—Marchande publique—Séparation judiciaire de biens—Responsabilité de la femme.

Jugé, 1. Que lorsqu'un demandeur reconnait, dans son action, la qualité de femme séparée de biens à la défenderesse, il ne peut ensuite lui contester cette même qualité;

2. Qu'une femme mariée non séparée de biens et qui fait commerce comme marchande

publique, ne s'engage pas personnellement, mais seulement comme commune ;

3. Que la renonciation à la communauté de biens que fait une femme en se séparant de biens judiciairement d'avec son mari, la libère entièrement de toutes les obligations qu'elle a pu encourir comme commune en biens avant la séparation.—*Bourgouin* v. *Roy*, Jetté, J., 27 juin 1887.

Sale—Jus disponendi—C. C. 1025.

Held, Where a person who sells goods on time, shows by his acts his purpose to retain the property therein until the conditions of sale be complied with,—as, for example, by consigning the goods to his own agent in the city where the purchaser resides, with instructions not to part with the bill of lading until the purchaser shall have accepted a draft for the price,—the right of property does not pass to the purchaser, and the agent of the vendor may retain the goods in the event of the purchaser refusing to accept a draft for the price payable at the expiration of the term of credit.—*McGillivray* v. *Watt*, In Review, Johnson, Torrance, Mathieu, JJ., June 30, 1886.

Procedure—Summons—C. C. P. 69—*Leave to serve writ in Ontario.*

Held, That leave to serve a writ of summons in Ontario under Art. 69 C.C.P., is sufficient, if annexed to the writ, on a separate sheet, without being endorsed in writing upon the writ.—*Kilburn* v. *Ward*, In Review, Johnson, Rainville, Jetté, JJ., Dec. 30, 1880.

Liste électorale de Québec—Révision par le conseil municipal—Nouveaux noms—Radiation d'électeurs—Avis.

Jugé, 1. Que le Conseil d'une corporation municipale n'a pas le droit de réviser la liste électorale sous l'*Acte électorale de Québec* et d'y ajouter et d'y retrancher des noms sans que des plaintes aient été déposées devant lui, et sans donner avis aux personnes dont les noms doivent être ainsi retranchés.

2. Que tout électeur a droit de se plaindre de cette illégalité et d'en appeler à un juge de cette décision du Conseil municipal.—*Robertson* v. *La Corporation de la Paroisse de St. Vincent de Paul*, Tait, J., 28 juin 1887.

GENERAL NOTES.

A Big Q.C.—A learned Queen's Counsel in the city of Winnipeg has, we are informed, put up at the doorway of his office a huge black signboard, four feet long and three feet wide, on which are printed in large gold letters; 'X. Y. Z——, Q.C., Barrister, &c.,' the letters Q.C., being three times the size of the others.—*Canada Law Journal.*

A prominent railway lawyer and another known for his antagonism to corporations, got themselves somehow elected delegates to a farmers' convention. The latter introduced a resolution condemning railroads for this, that and the other. Thereupon the railway attorney moved to amend the resolution so that it should read: "Resolved, that the Revised Version of the Scriptures be hereby adopted." The grangers roared, and the railway attorney felt himself to be the master of the situation. The other lawyer, however, arose very calmly and said: "Mr. Chairman, I am inclined to accept the gentleman's amendment; and, in fact, I am perfectly willing to do so on condition that one verse be left as it stands in the Old Version: 'The ox knoweth his owner, and the ass his master's crib.'"

'Mala fide' Exercise of Rights.—Plaintiff, a mulatto woman, purchased a ticket on defendant's railroad for a ten-mile journey. She passed through the front car, and attempted to enter the rear car, which, by a regulation of the company, was set apart for white ladies and gentlemen. She was stopped on the platform and told to ride in the front car, which she refused to do, and refused to give up her ticket unless allowed to ride in the rear car. She was ejected from the train. Held, that as plaintiff's purpose evidently was to harass the defendant with a view to bringing this action, and her persistence was not in good faith, with a view to obtain a comfortable seat for the short ride, the judgment in her favour in the Court below should be reversed (*The Chesapeake, &c., Railway Company* v. *Wells*, Sup. Ct. Tenn., 4 S. W. Rep. 5).

Rosebuds in Court.—The dreary monotony of a divorce case was dragging its soiled length along in Judge Hick's court yesterday. The woful contestants were listening eagerly, when a handsome, broad-shouldered youth entered the room with a young lady on his arm. He was overflowing with joy. His face was constantly wreathed in smiles which seemed to fill the gloomy court room. She was happy, too; bashfully, surreptitiously happy, and she looked shyly from behind her stalwart lover's arm. They wanted to be married. The divorce suit was suspended at once, for the court will stop unmaking a marriage to make one any time. The ceremony was performed. The young man drew out a $5 bill and placed it before the judge. With his brightest smile and a speech as gallant as a Chesterfield could make, he presented it to the bride. The little lady accepted the money, and with a quick, graceful movement, she drew the bouquet of roses from her bosom and placed it before the judge. With a bow he received the rosebuds, and a few minutes later he returned to the divorce suit, but the sweet odor pervaded the dingy court room all that day. —*Ex.*