The Legal News.

Vol. XIV. DECEMBER 19, 1891. No. 51.

The official reports, to be published by the General Council of the Bar of this province, are to begin with the year 1892. The resolution adopted by the General Council states: "Les rapports auront le format des MONTREAL LAW REPORTS. Ils formeront trois volumes par année d'environ six cents pages." The MONTREAL LAW REPORTS, therefore, will be brought to a close with the end of the current year, *i. e.* with the termination of Vol. VII of each series. It is proposed to issue a full and complete index to the fourteen volumes.

It has been well known for some time that, in England, business has been driven away from the law courts, and suitors have resorted to private arbitrations to avoid the delay and expense attending an appeal to the ordinary tribunals. Recently an effort has been made to attract commercial causes by resuming the old-time sittings at Guildhall. Those who hoped to see business disposed of once more by the old methods will not find much encouragement in the speech of Lord Chief Justice Coleridge to the new Lord Mayor. "It may be," said his lordship, "the men of London may prefer to have their causes settled quietly and inexpensively by some sensible and honourable man, who knows the nature of the business and may be trusted, to the enormous expenditure and endless delay which often follow the litigation of questions in Courts of law: and I must say that I think a man must have a most uncommon devotion to the 'science of the law' if he prefers that questions which Lord Mansfield and Lord Ellenborough left unsettled should be settled at his expense at a cost of hundreds or thousands of pounds, when his own individual case, which of course interests him beyond all other cases, may be decided by some mercantile arbitrator in whom he has faith and confidence." "Such language from the Lord Chief Justice, sixteen years after the great reform in our system which was supposed to have been effected by the Judicature Act," observes the *Law Journal*, "implies the existence of a grave scandal. Bentham held, and it is said that so conservative a mind as Lord Langdale's shared the opinion, that the administration of justice should be gratuitous. It is difficult to see how that result could be achieved without bringing even greater evils than expensive law, as there would be a temptation to magnify every trivial difference into an occasion of litigation."

If sentiment were allowed to affect the administration of justice the result could hardly be satisfactory. But it would be difficult to imagine a less edifying example than that found in the State of Massachusetts, where it is the practice, each Thanksgiving Day, to present two life-convicts with pardons. Those who do not commit an offence sufficiently atrocious to merit a life sentence have apparently no chance in this singular award of Thanksgiving bounties.

The Hon. John Garver, a prominent attorney practising in Illinois, has paid rather dearly for his initiation into a secret society known as "the Knights of the Globe." The nature of the initiation ceremonies is not made public, but a good deal of physical force must be used in them, for Mr. Garver had one of his legs so seriously injured that he has been laid up for two months, and prevented from attending to business. It is singular that societies which practise such barbarous and disgusting mysteries should be able to attract any one possessing common sense. The *Chicago Legal News* states that some societies even use the skeletons of the dead to terrify the living. The skeleton of one of the sons of John Brown, who lost his life at Harper's Ferry, was used by the Knights of Pythias in Indiana, to impress candidates with a sense of their danger if they revealed the secrets of the order. The skeleton of deceased was rescued from the knights, and buried by his brother by the side of his father.

The Supreme Court of Colorado, *In re Thomas*, Sept. 14, 1891, held that in the absence of any statutory or constitutional inhibition women are entitled to be admitted to the bar on equal terms with men. The application was made by Mrs. Thomas, wife of a county judge. It seems that Mr. Thomas, though not a lawyer, was elected to the position of county judge. Ambitious to discharge intelligently the duties of his office he applied himself to the study of the law. His wife joined him in his studies, they took the same course, passed the same examination, and received equally favourable certificates of qualification from the same examining committee. Chief Justice Helm said:— "The question is squarely presented, are women entitled to admission to the bar of this State on equal terms with men? By ancient and universal usage, women have been denied the right to practise before the English courts. The two or three exceptions cited in petitioner's brief, such as that of Anne, Countess of Pembroke, are not well authenticated. During the early history of this country a like exclusion from the profession generally prevailed, though a few instances are recorded, as in the case of Margaret Brent, where they were permitted to appear specially in particular proceedings. In the District of Columbia and in Massachusetts, Illinois and Wisconsin, within a period comparatively recent, such applications have been rejected, the courts promulgating learned opinions in connection therewith. Fifteen years ago the Supreme Court of the United States also denied the right. The case was not reported, but the Chief Justice, in orally epitomizing the reason for adverse action, declared that the Court had concluded to adhere to the uniform custom since its organization, of licensing men only, till 'a change is required by statute, or a more extended practice in the highest courts of the States.' *In re Lockwood*, 9 Nott & Hop. 346; *Ex parte Robinson*, 131 Mass. 376, citing the above ruling of the United States Supreme Court; *In re Bradwell*, 55 Ill. 535; *Ex parte Goodell*, 39 Wis. 232. The written opinions mentioned marshal all objections to conferring this privilege upon women, dwelling with especial force and clearness upon those existing outside of constitutional and statutory provisions. They ably discuss questions of impropriety and inexpediency based upon the laws of nature, the bearing of historical customs and usages, and the impediments growing out of woman's legal status at the common law.... It is a significant circumstance indicating the trend of popular sentiment on the subject, that each of the cases above referred to was speedily followed by a statute providing for the admission of women to the profession. The Supreme Court of the United States, and the courts of the District of Columbia, Massachusetts, Illinois and Wisconsin, no longer adhere to the rule of discrimination on the ground of sex. Women are now licensed without question to practice in these courts as well as in those of several other States upon the same conditions as men, save only that the act of Congress requires three years membership of the bar of the highest court in some State or Territory as a condition precedent to their appearance before the Supreme Court of the United States. In this Commonwealth, women of sufficient age, married or single, may make contracts, form partnerships, inherit, acquire and dispose of property, in all respects substantially the same as men. The policy of our legislative and judicial action has tended constantly toward conferring upon them the same property rights and business status as are enjoyed by men." The Chief Justice concluded by falling into line with the Supreme Court of the United States, and ordered that the name of the petitioner be placed upon the roll of attorneys.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

LONDON, July 23, 1891.

Before THE LORD CHANCELLOR, LORDS WATSON, HOBHOUSE AND MACNAGHTEN, AND SIR RICHARD COUCH.

MCLEOD V. ATTY. GENL. FOR NEW SOUTH WALES.

Criminal Law—Bigamy—Jurisdiction.

The Criminal Law Amendment Act 1883 *of New South Wales, Sect.* 54, *enacts,* "*Whosoever,*

being married, marries another person during the life of the former husband or wife, wheresoever such marriage takes place, shall be liable to penal servitude for seven years."

Held, *That the word "whosoever" must be construed "whosoever, being married, and amenable at the time of the offence committed to the jurisdiction of the colony of New South Wales;" and the word "wheresoever" must be construed "wheresoever in the colony the offence is committed."*

The appellant married a wife in New South Wales in 1872. *In* 1889, *during her lifetime, he went through the form of marriage with another woman in the United States of America.*

Held, *That the courts of New South Wales had no jurisdiction to try him for bigamy in respect of such second marriage.*

This was an appeal from an order of the Supreme Court of New South Wales, dated the 4th July, 1890, dismissing an appeal by way of special case from the conviction of the appellant by the Court of Quarter Sessions at Sidney, in that colony, for bigamy, such appeal being upon points reserved at his trial by the chairman of that court.

The appellant was tried before the Court of Quarter Sessions on the 29th of May, 1890, and found guilty of bigamy, and upon the 18th June, 1890, sentenced to three years' imprisonment with hard labor, and the question to be decided in this appeal was whether the conviction was to be quashed by reason of the reception in evidence by the learned chairman of the court of certain letters and documents, the admissibility of which was objected to at the trial, or by reason of his directing the jury to the effect that if they were satisfied that the appellant had gone through the form and ceremony of marriage with Miss Cameron (the alleged second wife) at the time alleged, the appellant could be found guilty of the offence of bigamy although no formal evidence was given as to the marriage law of the State of Missouri, in the United States of America, the alleged bigamous marriage to Miss Cameron having occurred at St. Louis, in that State. These two contentions or points were at the request of the appellant's counsel reserved by the learned chairman for the opinion of the Supreme Court of the colony.

The facts proved at the trial were: Appellant was a British subject, and a minister of the Presbyterian Church in New South Wales. He married Mary Manson, his first wife, on the 21st July, 1872, at Winslow, Darling Point, in the said colony. After residing in the said colony the appellant and his wife left and went to Scotland, thence to Canada, thence back to Scotland, thence to New Zealand, and from there returned to New South Wales in 1887, and again left and went to the United States, and thence to London, where, on the 25th June, 1888, his wife left him and returned to New South Wales, where she resided until the trial. Upon the 8th May, 1889, at St. Louis, Missouri, in the United States of America, the appellant went through the form and ceremony of marriage with Mary Cameron, his wife, Mary McLeod being then alive. The appellant and Mary Cameron, after such ceremony, lived together as husband and wife. Before the appellant married Mary Cameron he obtained from a district court of the United States, Territory of New Mexico, a decree of divorce from his wife Mary McLeod, dated the 25th March, 1889, which was put in evidence at his trial, but such decree was obtained without notice of proceedings being given to his said wife.

At the trial the appellant's counsel objected to the reception in evidence of the appellant's letters, on the ground that they were immaterial, written after the bigamous marriage, and could not be used as admissions of the appellant, but the learned chairman of the court admitted them as tending to prove the bigamous marriage.

The marriage certificate and the copy of the marriage license, with the solemnization of the marriage certified by the officiating minister at the foot thereof, were also objected to by the appellant's counsel, and admitted in evidence at the trial by the learned chairman.

At the request of the appellant's counsel at the trial, the only plea being that of not guilty, the learned chairman reserved two points, which in the special case were set out,

viz.: (1) Whether he was right in admitting the letters and documents objected to by the appellant's counsel? (2) Whether he was right in directing the jury as he did?

The special case, which was stated under Sec. 422 of the New South Wales Criminal Law Amendment Act, 1883 (46 Vict. No. 17), came on for argument before the Supreme Court of New South Wales, and upon the 4th July, 1890, the said appeal was dismissed, and the conviction of the appellant sustained, Darley, C. J., and Innes, J., having so decided, while Windeyer, J., dissented.

From this judgment the appellant obtained special leave to appeal.

At the conclusion of the arguments their Lordships' judgment was delivered by

The LORD CHANCELLOR (HALSBURY):—The facts upon which this appeal arises are very simple. The appellant was, on the 13th July, 1872, at Darling Point, in the colony of New South Wales, married to one Mary Manson, and, in her lifetime, on the 8th May, 1889, he was married, at St. Louis, in the State of Missouri, in the United States of America, to Mary Elizabeth Cameron. He was afterward indicted, tried and convicted, in the colony of New South Wales, for the offence of bigamy, under the 54th section of the Criminal Law Amendment Act of 1883 (46 Vict. No. 17). That section, so far as it is material to this case, is in these words: "Whosoever being married, marries another person during the life of the former husband or wife—wheresoever such second marriage takes place—shall be liable to penal servitude for seven years." In the first place, it is necessary to construe the word "whosoever;" and in its proper meaning it comprehends all persons all over the world, natives of whatever country. The next word which has to be construed is "wheresoever." There is no limit of person, according to one construction of "whosoever;" and the word "wheresoever" is equally universal in its application. Therefore, if their Lordships construe the statute as it stands, and upon the bare words, any person, married to any other person, who marries a second time anywhere in the habitable globe, is amenable to the criminal jurisdiction of New South Wales, if he can be caught in that colony. That seems to their Lordships to be an impossible construction of the statute; the colony can have no such jurisdiction, and their Lordships do not desire to attribute to the colonial Legislature an effort to enlarge their jurisdiction to such an extent as would be inconsistent with the powers committed to a colony, and, indeed, inconsistent with the most familiar principles of international law. It therefore becomes necessary to search for limitations, to see what would be the reasonable limitation to apply to words so general; and their Lordships take it that the words "whosoever being married" mean, "whosoever being married, and amenable, at the time of the offence committed, to the jurisdiction of the colony of New South Wales." The word "wheresoever" is more difficult to construe, but when it is remembered that in the colony, as appears from the statutes that have been quoted to their Lordships, there are subordinate jurisdictions, some of them extending over the whole colony, and some of them, with respect to certain classes of offences, confined within local limits of venue, it is intelligible that the 54th section may be intended to make the offence of bigamy justiceable all over the colony, and that no limits of local venue are to be observed in administering the criminal law in that respect. "Wheresoever," therefore, may be read "Wheresoever in this colony the offence is committed." It is to be remembered that the offence is the offence of marrying, the wife of the offender being then alive—going through in fact, the ceremony of marriage with another person while he is a married man. That construction of the statute receives support from the subordinate arrangements which the statute makes for the trial, the form of the indictment, the venue, and so forth. The venue is described as New South Wales and Sect. 309 of the statute provides that "New South Wales shall be a sufficient venue for all places, whether the indictment is in the Supreme Court, or any other court having criminal jurisdiction. Provided that some district, or place, within, or at, or near which, the offence is charged to have been committed, shall be mentioned in the body of the indictment. And every such district

or place shall be deemed to be in New South Wales, and within the jurisdiction of the court "unless the contrary be shown." That by plain implication means that the venue shall be sufficient, and that the jurisdiction shall be sufficient, unless the contrary is shown. Upon the face of this record the offence is charged to have been committed in Missouri, in the United States of America, and it therefore appears to their Lordships that it is manifestly shown, beyond all possibility of doubt, that the offence charged was an offence which if committed at all, was committed in another country, beyond the jurisdiction of the colony of New South Wales. The result, as it appears to their Lordships, must be that there was no jurisdiction to try the alleged offender for this offence, and that this conviction should be set aside. Their Lordships think it right to add that they are of opinion that, if the wider construction had been applied to the statute and it was supposed that it was intended thereby to comprehend cases so wide as those insisted on at the bar, it would have been beyond the jurisdiction of the colony to enact such a law. Their jurisdiction is confined within their own territories, and the maxim which has been more than once quoted, *extra territorium jus dicenti impune non paretur*, would be applicable to such a case. Lord Wensleydale, when Baron Parke, advising the House of Lords in *Jefferys* v. *Boosey* (4 H. of L. Cas. 815) expresses the same proposition in very terse language. He says (p. 926): "The legislature has no power over any persons except its own subjects, that is, persons natural-born subjects, or resident, or while they are within the limits of the Kingdom. The legislature can impose no duties except on them; and, when legislating for the benefit of persons, must *prima facie* be considered to mean the benefit of those who owe obedience to our laws, and whose interests the legislature is under a correlative obligation to protect." All crime is local. The jurisdiction over the crime belongs to the country where the crime is committed, and except over her own subjects Her Majesty and the Imperial Legislature have no power whatever. It appears to their Lordships that the effect of giving the wider interpretation to this statute necessary to sustain this indictment would be to comprehend a great deal more than Her Majesty's subjects; more than any persons who may be within the jurisdiction of the colony by any means whatsoever; and that, therefore, if that construction were given to the statute it would follow as a necessary result that the statute was *ultra vires* of the colonial legislature to pass. Their lordships are far from suggesting that the legislature of the colony did mean to give to themselves so wide a jurisdiction. The more reasonable theory to adopt is, that the language was used subject to the well-known and well-considered limitation, that they were only legislating for those who were actually within their jurisdiction, and within the limits of the colony. For these reasons their Lordships will humbly advise Her Majesty that the judgment of the Supreme Court should be reversed, and that this conviction should be set aside. The respondent must pay the costs of the appeal.

EXCHEQUER COURT OF CANADA.

OTTAWA, Sept. 17, 1891.

Before BURBIDGE, J.

THE QUEEN v. MALCOLM.

Injurious affection of property by construction of public work—Obstruction of access—Right to compensation—Waiver.

The defendant was the owner of a dwelling house and property fronting on a public highway. In the construction of a Government railway the Crown erected a bridge or over-head crossing on a portion of the highway in such a manner as to obstruct access from such highway to defendant's property, which he had theretofore freely enjoyed.

Held, that the defendant was entitled to compensation under the *Government Railways Act* and the *Expropriation Acts*.

Beckett v. *The Midland Railway Company* (L. R. 3 C. P. 82) referred to.

The defendant, and a number of other persons interested in the manner in which the crossing was to be made, met the Chief Engineer of Government Railways and

talked over the matter with him. The defendant, who did not appear to have taken any active part in the discussion, and the other persons mentioned, wished to have a crossing at rail level, with gates; but the Chief Engineer declining to authorize such gates, it was decided that there should be an over-head crossing with a grade of one in twenty. Subsequently the defendant signed a petition to have the grade increased to one in twelve, as the interference with the access to his property would in that way be lessened. The prayer of the petition was not granted. *Held*, that by his presence at such meeting the defendant did not waive his right to compensation.

W. F. Parker, for plaintiff.

J. J. Ritchie, for defendant.

DECISIONS AT QUEBEC. *

Société—Gages—Prescription — Renonciation—Arts. 2262, 2227, C. C.

JUGÉ:—La confection par l'un des associés, après la dissolution de la société, d'une liste des créanciers de la société, la remise de cette liste à l'autre associé, et l'engagement subséquent de ce dernier de payer toutes les dettes légitimes de la société, constituent une renonciation en faveur d'un créancier dont le nom est porté sur telle liste, de la prescription acquise contre lui en vertu de l'art. 2227, C. C.—*Naud & Portelance*, en appel, Dorion, C. J., Tessier, Baby, Bossé, JJ., 5 déc. 1890.

Maritime lien—Wharfage—Seizure super non domino—Mortgagor and Mortgagee.

HELD:—1. A contract by which the owner of a wharf leased it to the owners of a steamboat for a fixed rental does not give the lessor a maritime lien for the rental, as wharfage, on the steamboat.

2. A seizure of a vessel in virtue of a judgment against the mortgagor, after foreclosure of the mortgage, when she has become the property of the mortgagee, is null as made *super non domino*.—*Demers* v. *Baker, & Ross, Oppt.*, S. C., Andrews, J., Oct. 19, 1891.

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* 17 Q. L. R.

By-law—Presidency of City Council in absence of Mayor.

HELD:—Nothing in the Act of incorporation of the City of Quebec (29 Vict. ch. 57) requires the presence of the mayor, or pro-mayor, to authorize or enable the Council, or a quorum of its members, to pass a by-law. So, a by-law passed at a regular meeting of the Council presided over (in the absence of the mayor) by an alderman called to the chair for that purpose, is valid.—*City of Quebec & Quebec Gas Co.*, in appeal, Dorion, C. J., Tessier, Baby, Bossé, JJ., Dec. 5, 1890.

Bail à loyer—Emphytéose—Passage—Enclave—Indemnité.

JUGÉ:—1. Un bail par lequel il est convenu que le preneur ne peut pas sous-louer sans le consentement du bailleur, qu'il ne durera que tant que le preneur occupera l'immeuble lui-même, et qu'il ne pourra construire des bâtisses que sur une partie indiquée de l'immeuble, n'est pas un bail emphytéotique mais un simple bail à loyer qui ne donne pas au locataire qualité ou titre pour porter une action confessoire.

2. L'emphytéote ne peut demander l'élargissement d'un passage stipulé dans son bail que lorsqu'il a changé, depuis la passation de ce dernier, l'exploitation du fonds baillé et que la nouvelle exploitation exige cet élargissement.

3. Le propriétaire d'un enclave ne peut prendre le terrain pour un passage, ou pour l'élargissement d'un passage existant, sur un immeuble voisin que lorsqu'il ne peut le prendre chez lui, ou lorsque le coût des travaux à faire pour le prendre ainsi chez lui, excède de beaucoup l'indemnité qu'il aurait à payer au voisin sur le terrain duquel il le prendrait.

4. Le propriétaire du fonds servant sur lequel le terrain nécessaire pour un passage, ou pour l'élargissement d'un passage existant, est pris, peut exiger que l'indemnité soit d'une somme d'argent une fois payée, et ne peut être forcé d'accepter une annuité pour en tenir lieu.—*Larue* v. *Bellerive*, en révision, Casault, Routhier, Caron, JJ., 31 mars 1891.

LIABILITY OF DIRECTORS.

The liability of directors, if living, and of their estates, if dead, for moneys improperly received by them, and for moneys improperly paid by them to shareholders by way of dividend, is of long duration, even where no actual dishonesty is alleged against them. This appears from the case of *Re Sharpe; Re Bennett; Masonic and General Life Assurance Company*, v. *Sharpe*, 65 L. T. Rep. N. S. 76, where the liquidator of a company in the year 1890 sued the representatives of two deceased directors of the company for moneys improperly received by the directors, and for moneys improperly paid by them to the shareholders of the company by way of dividend, between the dates of June, 1869 and and July, 1878. The moneys had been taken from the capital of the company. The company had made no profits and no profit-and-loss account had been made up. The directors had no justification for believing that any profits had been made; and the payments were not warranted by the articles of association of the company. Under these circumstances the action, as against the representative of one of the directors, was compromised by leave of the court, by payment of part of the moneys improperly received and paid by them, and Mr. Justice North, on the 2nd June, 1891, gave judgment for the repayment out of the estate of the other director of the residue of such moneys, as there was nothing to show that the defence to the claim was prejudiced by the delay in bringing the action, and the creditors of the company ought not to lose their rights through the delay of the liquidator in enforcing them.—*Law Times* (*London*).

PUBLICATION OF ERRONEOUS ENTRY.

The case of *Lord Annaly* v. *The Trade Auxiliary Company*, 25 Ir. Law Times Reports, p. 57, before the Court of Appeal in Ireland, is of considerable interest upon the point of the liability of persons publishing facts officially although erroneously recorded and of public interest. The action was brought to recover damages for libel by reason of the defendants having published in *Stubbs' Weekly Gazette* a statement accurately copied from an erroneous entry in the register of judgments to the effect that a judgment had been recovered against the plaintiff in his personal capacity, whereas it had been rendered against him only as executor of his father, deceased; the inuendoes imputing respectively that the statement implied that the judgment was an existing liability against the plaintiff's estate and effects, and that the judgment creditors were creditors of the plaintiff, and that the plaintiff was unable to discharge his obligations; while in one paragraph it was alleged by way of special damage that a creditor of the plaintiff had in consequence brought an action against the plaintiff to recover an amount secured by the joint promissory note of the plaintiff, his brother, and his late father.

The court held in a considered judgment, affirming the judgment of the Exchequer Division, that the defendants were not liable, and the Lord Chancellor in delivering judgment held that because the Queen's Bench officer in preparing the certified minute made an error, it in no respect entitled the registrar, who was ignorant of it, to decline registering. Once registered, all the particulars copied from the certified minutes into the registrar's book were published for all purposes and became public property. Knowledge of and notice of judgments may be of the highest interest and importance to many sections of the public. The defendants in their publication merely facilitated the public in gaining a knowledge which it was intended should be open to all, and saved the public from trouble. The defendants were not liable in libel for their *bona fide* publication of a public book kept by a public officer in a public department. The judgment of Lord Cottenham in *Fleming* v. *Norton*, 1 H. of L. Cas. 263, was, his Lordship held, really conclusive: "I found my opinion upon this, that the publication of the fact proposed to be inserted in the appellant's list has been made by the act of Parliament in certain registers, the contents of which are public property and the publication of them authorized."—*Law Times* (*London*).

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Dec. 12.

Judicial abandonments.

Bilodeau & Godbout, traders, Quebec, Dec. 5.
Georges Boivin, boot and shoe dealer, Quebec, Dec. 9.

Curators appointed.

Re Chas. Bedard.—Royer & Burrage, Sherbrooke, joint curator, Dec. 9.

Re L. A. Bergevin & Roy, Quebec.—H. A. Bedard, Quebec, curator, Dec. 5.

Re Louis Boivin & Cie.—A. Girard, Marieville, curator, Dec. 1.

Re Dame Zenaïde Brisson (D. Desjardins & Co.).—F. Bertrand, Montreal, curator, Dec. 4.

Re Delle Mary Jane Leblanc, Carleton.—H. A. Bedard, Quebec, curator, Nov. 27.

Re Eusèbe Doiron, Metapedia.—H. A. Bedard, Quebec, curator, Nov. 27.

Re Ed. Falardeau & frère, Quebec.—D. Guay, Quebec, curator, Nov. 30.

Re John Hamilton, New Glasgow.—Kent & Turcotte, Montreal, joint curator, Dec. 7.

Re Michael Hayes, Sheenboro.—W. A. Caldwell, Montreal, curator, Dec. 3.

Re Patrick McMahon, Chichester.—W. A. Caldwell, Montreal, curator, Dec. 3.

Re James Methot, Grande Rivière.—H. A. Bedard, Quebec, curator, Nov. 27.

Re Portugais & Lemay.—D. Arcand, Quebec, curator, Dec. 9.

Re J. L. Roberge, Thetford Mines.—N. Matte, Quebec, curator, Dec. 9.

Re William S. Samson, Windsor Mills.—John Hyde, Montreal, curator, Dec. 9.

Dividends.

Re L. R. Baker, Beauharnois.—First dividend, payable Dec. 30, Kent & Turcotte, Montreal, joint curator.

Re Napoléon Dubuc, St. Isidore.—First and final dividend, on mortgages only, payable Dec. 29, Kent & Turcotte, Montreal, joint curator.

Re Zoël Gagnon, trader, Ste. Agnès de Charlevoix.—First and final dividend, payable Dec. 29, H. A. Bedard, Quebec, curator.

Re C. W. Parkin, Montreal.—First dividend, payable Dec. 30, Kent & Turcotte, Montreal, joint curator.

Re Auguste Perron, Quebec.—First and final dividend, payable Dec. 18 D. Arcand, Quebec, curator.

Separation as to property.

Octavie Guertin vs. Joseph Procule Préfontaine, trader, Beloeil, Dec. 7.

Mary Maclaren vs. Andrew Boa, trader, Lachute, Dec. 4.

Notarial minutes transferred.

Minutes of the late Joseph O. Archambault, N.P., of Hull, transferred to N. Tétreau, N.P., Hull.

GENERAL NOTES.

THE PRIVILEGE OF ADVOCACY.—*Pedley & May* v. *Morris* (Notes of Cases, p. 143) is a remarkable but, we think, correct extension of the doctrine of *Munster* v. *Lamb*, 52 Law J. Rep. Q.B. 726, that what an advocate says in Court is privileged, and the case is one of very great interest to solicitors. The action was by solicitors against a solicitor for libel by written objections necessary to be lodged under Order LXV., rule 27, sub-rules 39 and 40, for the purpose of taxation of the plaintiffs' bill of costs, and the defence was that the words complained of were published by the defendant only as objections lodged in the taxation referred to, and only in his capacity as solicitor and advocate. The High Court has held that the defendant's objections were the same as objections made before the master, and were therefore made in a judicial proceeding so as to come within *Munster* v. *Lamb*, not only in the letter (which we doubt) but in point of principle. We think the judgment right, though we should not be sorry to have the opinion of the Court of Appeal taken. It seems to us that the plaintiffs misconceived their proper remedy, which was to apply to have the matter alleged to be libellous struck out from the "written objections" under sub-rule 39 by analogy to the procedure for striking out scandalous matter from a pleading under Order XIX, rule 27. The Court has a general jurisdiction to expunge scandalous matter in any proceeding.—*Law Journal* (*London*).

PHOTOGRAPHY AND CRIME.—The exhibition of the Photographic Society of Great Britian, which opens to the public this morning, is of great interest both from the artistic and the scientific point of view. Dr. P. Jeserich, a German, has devoted his attention to the development of photography as a means of assisting the administration of the law. The screen which contains Dr. Jeserich's plates is one of the chief curiosities of the exhibition. He has shown, by enlarging photographs taken upon sensitized plates, that it is possible to detect certain kinds of forgery in the most unimpeachable way; for example, where a figure or word has been altered—and this is one of the commonest kinds of forgery—the different inks employed appear in the plate in quite different colors. Similarly where a name has first been written in pencil and then traced over in ink, however carefully the pencil marks have been erased, some faint traces of the plumbago are sure to remain in the interstices of the paper, and these are revealed in the magnified photograph. Dr. Jeserich's photograph of hair and of pure and impure blood, before and after treatment with reducing agents, are also most curious, and several stories are told of the use that has been made of them in murder trials in Germany.—*London Times.*

A SERIOUS DEFECT.—The sittings at Guildhall began somewhat inauspiciously. No one could hear anybody else—except Mr. Murphy, Q.C., who says he has exceptionally sharp ears. Everybody not being equally endowed in this respect, it is to be hoped that the courts will be so adjusted that hearing may be rendered possible to the judges, who still remain an important element in a court of law.—*Law Times*, (*London*).