The Legal News.

VOL. XI. AUGUST 25, 1888. No. 34.

Attempts have been made simultaneously in England, Canada and the United States to obtain exceptional legislation for the protection of newspapers against vexatious suits for libel. The principal demand is that parties suing newspapers should be compelled to give security for costs. There can be no doubt that frivolous actions are frequently instituted against newspaper proprietors who, in the end, have to pay their own costs, it being impossible to collect them from the plaintiffs. But frivolous actions are also brought against other persons, and it is doubtful whether a sufficient case has been established to justify class legislation. In Michigan, the newspapers, to the number of seven hundred, have combined to oppose every candidate for the legislature who will not pledge himself unequivocally to advocate the adoption of amendments to cover the following requisitions: "1. The fact of publication shall not in itself create the presumption of malice. 2. The word 'malice' shall be restricted to its plain, common and obvious meaning, and shall cease to be the cover and ambush of legal fictions. 3. Malice, in the sense of a desire or design to commit injury, shall be proved, or a probable ground for its existence established by evidence, before any question of exemplary damages will lie. 4. When 'malice' is not proved by the plaintiff, no damages other than actual damages shall be assessed. 5. The plaintiff shall give security for costs. 6. Whenever a verdict of acquittal or a verdict for nominal damages is rendered the plaintiff shall pay all costs with attorney fee. 7. No action for libel shall be sustained unless the plaintiff has first made a demand upon the publisher for a correction of the alleged libellous publication. 8. In any action for libel, only actual damages shall be recovered, providing the publication was due to misapprehension of the facts, and the publisher, as soon as possible after learning of its falsity, makes a full and fair correction." The *Albany Law Journal* opposes these changes vehemently, observing:—"The newspapers are not oppressed. They constitute a tremendous and nearly irresponsible power already, and are calling for more power and greater license. It is like the wolves demanding to have the lambs muzzled. Society is pretty much at the mercy of the zealous young man with pencil and pad, who goes about seeking whom he may devour, with an eager desire to get a start of all rivals, and ingratiate himself with his employer, and with no discretion or inquiry, or even care for reputations or probabilities. The newspaper 'interviewer,' intrusive, impudent, slangy, reckless, lying, is one of the worst pests of modern society. The employer too frequently cares for nothing but to give 'the news' ahead of the other journals and put dollars in his own pocket. The reputation of men, and women too, is at the mercy of these scavengers. So liberal is the law on the subject of privileged statements, and so strict is it in regard to the necessity of proof of malice, that under the guise of criticism or comment on public men and public affairs, the licence of the press has become almost intolerable. We wonder how any man dares run for office in view of the inevitable torrent of filth and falsehood and scandal that is sure to be discharged upon him. Give security for costs, forsooth! Suppose the man abused is poor and can't? It would be much more just to compel every newspaper to give general security not to libel." Given a state of things as bad as our contemporary depicts, which however we think is far from being generally true, greater evils would flow from exceptional privileges than from allowing the law to remain as it is.

In *Commonwealth* v. *Turner*, the Supreme Judicial Court of Massachusetts have given a decision of interest to certain classes of sportsmen. The Court held that letting loose a captive fox to be hunted by dogs is punishable under the Public Statutes of Massachusetts, c. 207, s. 53, which provides for the punishment of any person who, hav-

ing an animal in his custody, knowingly and wilfully permits it to be subjected to unnecessary torture, suffering, or cruelty. The Court said: "The evidence tended to prove that the defendant let a fox loose from his custody in the presence of several dogs; that the fox ran into a thick wood and disappeared; that about five minutes afterwards, the dogs were let loose and pursued the fox, and caught it and tore it in pieces. It is argued that the fox is a noxious animal, which men may lawfully kill, that hunting it with dogs is a proper mode of killing it; and therefore that the suffering inflicted by that mode of killing, is not unnecessary, within the meaning of the statute. The statute does not apply to foxes in their natural, free condition, but only when they are in the dominion and custody of man. The right to kill a captive fox does not involve the right to inflict unnecessary suffering upon it in the manner of its death, any more than the right to kill a domestic animal involves the right to inflict unnecessary suffering upon it, or to cruelly kill it. It cannot be said, as a matter of law, that throwing a captive fox among dogs, to be mangled and torn by them, is not exposing it to unnecessary suffering."

SUPERIOR COURT.

SWEETSBURG, May 7, 1882.

Before BUCHANAN, J.

WASHER v. HAWKINS.

Séparation de corps et de biens—Adultery of wife—Forfeiture.

HELD:—*That the wife* "commune en biens," *may be declared by the Court to have forfeited her share in the community, when proved guilty of adultery. The Civil Code has not altered the old law in force in this country, in that respect.*

The plaintiff in this cause sues the defendant his wife, for separation as to bed and board, on the ground of adultery by the latter, and further demands in his conclusions, that his said wife, on account of said adultery, may be declared to have forfeited her rights and share in the community of property existing between them as well as all other matrimonial rights whatsoever.

The learned Judge in delivering the following judgment, said:—

"The difficulty in the case is not as to the fact of the adultery, but the legal consequences to the wife flowing from it. In answer to the demand of plaintiff for the forfeiture of matrimonial rights, and especially of defendant's share in the community, defendant relies upon the case of *L'Heureux* v. *Boivin*, 7 Q. L. R. 220, where the Chief Justice has adopted the rule in France, which is not the rule here. The old law, admitted there to be as contended for by plaintiff, is not changed here, but is still in force under arts. 208 and 209 of our Civil Code. Art. 299 of the C. N. is not law here, and that appears to have misled the Chief Justice. (See report of the codifiers)."

Judgment:—

"Considering that it is established that at divers times about the 7th day of June, 1881, and before and since that day, but previous to the time the defendant left the matrimonial domicile about the 11th day of July, 1881, she, the said defendant, then being the wife of the plaintiff, had at her said domicile, carnal connexion with one..... and thereby was guilty of adultery;

"Considering that by the law in force until the enactment of the Civil Code the wife "*commune en biens*" was liable by reason of her adultery to the forfeiture of her right to a partition of the community of property, and that such rule of law has not been changed by the said Code;

"Doth declare that by reason of the adultery which is established to have been committed by her, the said defendant, she, the said defendant, has forfeited all rights which she might have or pretend to have in the "*communauté de biens*" heretofore existing between her and her said husband, the plaintiff;—and the Court doth further adjudge that plaintiff be and remain separated as to bed and board and as to property, "*séparé de corps et de biens*," from his wife, the said defendant, etc."

Lynch, Amyrauld & Fay, attorneys for plaintiff.

O'Halloran & Duffy, attorneys for defendant.

(T. A.)

TRIBUNAL CIVIL DE LA SEINE (4e CH.)
PARIS, 20 janvier 1888.

JOFFRE v. LA COMPAGNIE DES OMNIBUS.

Accident—Cocher—Imprudence—Usage—Responsabilité.

JUGÉ:—Que le cocher qui manque à l'usage constant de prendre sa droite, engage par cette faute sa responsabilité et celle de son patron, en cas d'accident.

TRIBUNAL CIVIL DE LA SEINE (2e CH.)
13 janvier 1888.

SOCIÉTÉ DE FRANCIÈRES v. SOCIÉTÉ MUTUELLE D'ASSURANCE DES FABRIQUES DE SUCRE.

Assurance contre l'incendie—Chaleur—Combustion—Indemnité.

JUGÉ:—Que les effets d'une chaleur excessive, quoique décomposant les objets assurés, ne peuvent donner lieu à une indemnité pour sinistre, s'il n'y a eu ni combustion, ni même carbonisation.

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*SUPERIOR COURT—MONTREAL.**

Libel—Public announcement of termination of agency—Injurious expressions.

HELD:—That a public announcement of the termination of an agency concluding with the following expression: "Je tiens à "en donner connaissance au public afin qu'il "ne soit pas mis sous de fausses impres-"sions,"—is injurious, and constitutes a valid ground for an action of libel. *Demers* v. *Chapleau*, in Review, Johnson, Gill, Loranger, JJ., Feb. 29, 1888.

Municipal Corporation—Liability for assault by policeman—Damages—Proof—Costs.

HELD:—1. That the city of Montreal is liable in damages for an unjustifiable assault committed on a citizen by a policeman while on duty.

2. That without identifying such policeman by name or number, it is sufficient to prove that he was one of a squad wearing the policeman's uniform and carrying the *bâton*.

3. That plaintiff having sued for $1,000 and obtained $200, he would be awarded the costs of an action of $200, and be condemned to pay defendant the difference between the costs of an action of $1,000 and one of $200, the Court ordering compensation *pro tanto*. *Guénette* v. *City of Montreal*, Mathieu, J., April 21, 1888.

Opposition à jugement—Dans quel cas elle est admise.

JUGÉ:—En conformité avec la jurisprudence de la Cour d'Appel, que l'opposition à jugement ne peut avoir lieu que lorsqu'il s'agit d'un jugement par défaut ou *ex parte* rendu en vertu des articles 89, 90 et 91 du Code de Procédure Civile. *Lachapelle* v *Gagnier*, et *Gagnier*, opposant, Jetté, J., 25 janvier 1888.

Assaut — Dommages — Souffrances corporelles.

JUGÉ:—Qu'en droit, on peut actionner pour dommages-intérêts résultant tant du tourment moral que des souffrances corporelles causés par des voies de fait sur la personne. *Auclair* v. *Bastien*, Wurtele, J. 11 mars 1888.

QUEBEC LEGISLATION, 1888.

CAP. 18.

An Act to amend the Act 47 Victoria, chapter 8, respecting the holding of the Superior Court and the Circuit Court and the Code of Civil Procedure.

[*Assented to, 12th July*, 1888.]

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Section 4 of the act 47 Victoria, chapter 8, is amended by adding after the words: "with respect to *enquêtes* in the districts of Quebec, Montreal, Three Rivers and St. Francis," the words: "and of Arthabaska."

2. This Act shall come into force on the day of its sanction.

CAP. 22.

An Act to amend certain articles of the Civil Code.

[*Assented to, 12th July*, 1888.]

Her Majesty, by and with the advice and

* To appear in Montreal Law Reports, 4 S.C.

consent of the Legislature of Quebec, enacts as follows:

1. Article 304 of the Civil Code is replaced by the following,

"304. Actions belonging to a minor are brought in the name of his tutor.

Nevertheless a minor of fourteen years of age may bring alone actions to recover his wages.

He may also, with the authority of a judge, bring alone all other actions arising from the contract for the hire of his personal services."

2. Article 1690 of the said Code is amended by adding at the end thereof the following words:

"Or unless the agreement upon those two points be established by the decisory oath of the proprietor."

3. This Act shall come into force on the day of its sanction.

CAP. 23.

An Act to amend article 376 of the Code of Civil Procedure.

[*Assented to*, 12*th July*, 1888.]

Whereas section 2 of the Act 33 Victoria, chapter 13, which amended article 376 of the Code of Civil Procedure, respecting the amount of the fine upon jurors, who, when summoned, have not appeared in cases in civil matters, was repealed by the law respecting jurors in criminal matters, 46 Victoria, chapter 16, section 62;

Whereas in consequence of such repeal, there is now no fine under the said article 376, and it is expedient to remedy this matter; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Article 376 of the Code of Civil Procedure is replaced by the following:

"376. On the day fixed for the trial, the persons summoned as jurors must appear at the appointed hour, at the place where the Court is held, under a penalty of a fine of not less than twenty-five dollars, which may be immediately imposed, and is levied by the sheriff on the goods and chattels of the person so fined; and in default of sufficient goods and chattels, such person may be imprisoned for a period not exceeding fifteen days.

The Court may, however, for good cause shown, reduce or entirely remit such penalty or imprisonment."

2. This Act shall come into force on the day of its sanction.

CAP. 24.

An Act to amend certain articles of the Code of Civil Procedure.

[*Assented to*, 12*th July*, 1888.]

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Article 556 of the Code of Civil Procedure, as amended by the act 45 Victoria, chapter 12, section 3, 45 Victoria, chapter 34, section 1, and 49-50 Victoria, chapter 15, sections 1 and 2, is amended by replacing paragraph 3 thereof by the following:

"3. Two stoves and their pipes, one pothook and its accessories, one pair of andirons, one pair of pincers and one fire-shovel. "3*a*." All the cooking utensils, knives, forks and spoons and crockery in use by the family, two tables, two cup-boards or dressers, one lamp, one mirror, one washing stand with its toilet accessories, two trunks or valises, the carpets or matting covering the floors, one clock, one sofa, twelve chairs," provided that the total value of those effects do not exceed the sum of fifty dollars, the debtor having, in case of seizure, the right to choose the things that he may retain to the amount of the said sum of fifty dollars. "3*b*." All spinning wheels and weaving looms in domestic use, one axe, one saw, one gun, six traps, such fishing nets, lines and seines as are in common use, one tub, one washing machine, one wringer, two pails, three flat-irons, one blacking brush, one scrubbing brush, one broom, and fifty volumes of books, all the family portraits and all drawings or paintings executed by the debtor or the members of his family for their use."

"6. "3*c*." One sewing machine in the hands of tailors and milliners or of any person earning his life by working for others with such sewing machine."

2. Section 7 of said article 556 of the Code of Civil Procedure is amended by adding, after the words mentioned, the words "3*a*", "3*b*" "3*c*".

3. The following article is added after article 628 of the said Code:

"628*a*. In addition to the things enumerated in article 556, 557, 558 and 628, the wages and salaries of workmen and laborers (*operarius*), paid by the day, week or month, including those who perform manual labor in factories and workshops, are, to the extent of three-fourths thereof, not liable to seizure.

But in such case the attachment by garnishment holds so long as the contract or engagement continues.

The other creditors who have judgments against the debtor, when filing a copy of such judgments in the office of the prothonotary or clerk in the record of the case, are paid concurrently with the seizing creditors.

Notice of the filing of such judgments shall be given to the parties interested.

The prothonotary or clerk shall determine in a summary manner upon the writ or upon a sheet annexed thereto, the amount coming to each of the creditors of the party seized upon *pro rata* to the amount of their respective claims saving the case of privileges.

The garnishee shall, on making his declaration, deposit the sum which he owes, and if the defendant continues in his service, such garnishee shall renew his declaration every month and deposit it in court.

If he neglects to make his declaration, he may be thereto compelled by a judge's order.

If the defendant quits his service, the garnishee shall make a declaration thereof.

The moneys seized and paid remain in the hands of the prothonotary and clerk who pay them over to the plaintiff and the other creditors on their demand, three days after they are deposited, if there are no oppositions.

The declaration of the garnishee must be made without costs, except travelling expenses, if there be any, and it may be contested in the ordinary manner."

4. "The present law shall not have retroactive effect: all debts contracted before its adoption shall be recoverable by way of seizure as if the present law had not been passed."

5. "The Act 44-45 Victoria, chapter 18, is repealed.

6. "The paragraph 5 of article 556 of the Code of Civil Procedure, as amended by the Act 45 V., c. 34, is amended by adding at the end the following words, "provided that such exemption may not be claimed by others than agriculturers or farmers who use such effects exclusively for purposes of culture."

7. This Act shall come into force on the day of its sanction.

CAP. 28.

An Act providing for the appointment of commissioners to receive affidavits in foreign countries, and amending the Code of Civil Procedure to that effect.

[*Assented to, 12th July, 1888.*]

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The following article is added after article 30 of the Code of Civil Procedure:

"30*a*. The Lieutenant-Governor in Council may appoint one or more advocates or counsellors at law residing and practising their profession in any foreign country to act as commissioners and there administer oaths and receive affidavits, declarations, affirmations in any deed or document to be carried into execution or to have its civil effect in the province of Quebec.

Every Act or document made in any such country, and bearing the siguature of a commissioner so appointed, makes proof before all courts, and has the same effect as those mentioned in the preceding article.

The commissioners so appointed are called "Commissioners for receiving affidavits in (*state the name of the country*);" and the nomination of each of them shall be published in the Quebec Official Gazette.

The words "commissioner of the Superior Court" whenever they are used in this code,

mean also a commissioner appointed under this article."

2. This Act shall come into force on the day of its sanction.

CAP. 29.

An Act to amend certain articles of the Municipal Code.

[*Assented to, 12th July*, 1888.]

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The Municipal Code is amended, by adding after the first paragraph of article 35, the following clause:

"The secretary-treasurer of a municipality, so organized, shall immediately give notice of the date of such organization, by publishing it in the "Quebec Official Gazette."

2. Article 168 is amended, by replacing the words "following the year during which the valuation roll is made, in the second and third lines thereof, by the words "every year."

3. Article 168*b* is repealed and replaced by the following:

"168*b*. The Provincial Secretary is bound to make a compiled statement, by counties, of the reports made in virtue of the two preceding articles, with a summary of such reports by counties, and to submit the same to the Legislature within the first fifteen days of the next session."

4. Article 169 is amended by replacing the words "Provincial Registrar," in the seventh line thereof, by the words "Provincial Secretary."

5. Articles 177 and 180 are amended by striking out the words "in council," whenever found after the words "Lieutenant-Governor."

6. Articles 561 and 563 are amended by replacing the words "three gallons or a dozen bottles of at least three half pints each" by the words "two gallons imperial measure or one dozen bottles of not less than one pint each, imperial measure."

7. Section 27 of chapter 33 of the Consolidated Statutes of Canada is repealed, in so far as it concerns the Province of Quebec.

8. This Act shall come into force on the day of its sanction.

PUNISHMENTS ANCIENT AND MODERN.

J. M. LeMoine writes:—

The unusual punishment publicly inflicted at Montreal some time ago on one Damase Desormier, dit Cusson, has naturally enough elicited in the press and elsewhere considerable comment.

Some held it wrong in principle—obsolete—a relic of barbarism; others contended it was the most effective way to deal with hardened criminals; many alleged that the punishment was too mild, in fact, a farce, judging of the manner in which it was applied. That Desormier's crime was indeed a heinous one, all admitted.

He had been convicted of having, in June last, entered a farm-house at St. Martin dressed in clerical garb, and of having outraged a fourteen-year-old girl.

Ten lashes with the cat-o-nine-tails, we are told, were administered by the executioner (who received $20 for his work) on Desormier's back bare to the waist, when the whipped man, as soon as he was untied, went to the corner of the room, picked up his scapular, and dressed himself without any assistance.

If the physical pain endured was neither great nor lasting, the stigma, 'tis hoped, at any rate, will prove so. It may not be uninteresting to enquire how punishments were apportioned to crime in Canada in the earlier times. We too have witnessed in our own days surprising transformations in our criminal code. Of the rack, the wheel, the pillory, the usefulness is gone, for ever, let us hope; the lash only remains. Succeeding ages, without a doubt, owe a debt of gratitude to several friends of humanity, pre-eminently to two distinguished men of letters—Montesquieu[1] and Beccaria.[2]

We can imagine the rude shock given by their writings to the sanguinary penal laws prevalent in Europe during the last century, when these fearless men, at different times and in different countries, promulgated, not without obloquy and bitter criticism, their enlightened theories, apportioning the pen-

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[1] De l'Esprit des Lois—1750—Milan.

[2] Des Délits et des Peines—1764—Paris.

alty to the transgression, doing away with the death punishment, except in extreme cases (though Beccaria went even further), aiming at the prevention rather than at the repression of crime by direct and public punishments. Curiously enough, the humane philosopher, Beccaria, in a trial of a Calabrian bandit named Sartovello, charged with highway robbery on the person of a friend of the penal code reformer, asked the judge, says Linguet, to try the rack and the wheel to extort a confession from the spoiler of the noble marquis' friend.

One of the earliest instances of the free use of the whipping-post, the dungeon and the gibbet on Canadian soil, occurs among Roberval's ephemeral and starving colony of jailbirds, during the winter of 1542-3, at Cap Rouge, nine miles west of Quebec.

Francis I. had given permission to his viceroy, Roberval, to take from French prisons as many convicts under death sentence as he might require for his colonization scheme in Canada. He doubtless chose those malefactors whose physique offered the best guarantees of endurance for outdoor labor.[3] Jacques Cartier had brought out fifty colonists, and Roberval two hundred —a motley crew, partly made up of thieves and cut-throats—raw material totally unfit to found a respectable and permanent French colony. When mutiny and ruin threatened to stalk abroad, Roberval was equal to the emergency. He seems to have been a firm believer in the Draconian code. No sooner had one Michel Gaillou been convicted of larceny than he was consigned to the gallows, while Jean de Nantes, for a less grave offence, was kept in irons. Roberval's inexorable rule was applied to both men and women. "To enforce discipline," says Ferland,[4] "among this disorderly band, a recourse was had to the lash, the dungeon and the gallows, 'by means whereof,' quaintly observes an old chronicler, 'they lived in peace.'" Thouet paints the horrors of that winter in still darker colors, stating that no less than six soldiers, formerly favorites of Roberval, were "sent to the gallows in one day; for light offences both men and women were shot." What ultimately became of the riotous and famished French colonists of Cap Rouge after the departure in the spring of the viceroy for sunny France, no historian has yet been able to tell. For a certainty, no trace of them remained at the arrival of Champlain, sixty-five years later on.

The gibbet looms out at the very dawn of the colony. The immortal founder of Quebec had scarcely traced the foundations of his future residence amidst the huge oaks and old walnut trees of Stadacona, at the foot of Mountain Hill, when he made the unwelcome discovery of treason lurking in his camp. Imagination pictures Champlain's surprise when his trusty henchman, Capt. Tester, beckoning him aside in the forest, disclosed to him Duval's atrocious plot to assassinate him, plunder the stores, and escape to Spain in some of the Basque vessels trading at Tadousac; but Jean Duval, a Norman blacksmith, the leader of the foul conspiracy, was not destined to go unwhipped of justice, and the founder of Quebec, acting possibly on the old adage, "Salus populi suprema lex esto," by a vigorous policy, nipped crime in the bud.

"Duval's body," says Parkman, "swinging from a gibbet, gave wholesome warning to those he had seduced; and his head was displayed on a pike from the highest roof of the buildings, food for birds and a lesson to sedition.

Some offenders, however, escaped a whipping, perhaps by favor at court, perhaps for want of evidence. Thus we learn, on the authority of the *Journal des Jésuites*[5] that the king's pilot, Maitre Abraham Martin dit l'Ecossais, the original possessor (1639-46) of the Plains of Abraham, and to which he bequeathed his name, was not by any means a Joseph, though a paterfamilias of respectable dimensions, as shown by Lieut.-Col. Beatson.

[3] Histoire de la Colonie Française en Canada. Faillon, Tome 1, p. 53.

[4] Cours d'Histoire du Canada—Ferland, Tome 1, p. 44. Voyage de Roberval, traduit de Hackluyt, chap. II.

[5] Le 19 (Janvier, 1649) première exécution de la main du bourreau, sur une créature de 15 ou 16 ans, laronesse, on accusait en même temps M. Abraham de l'avoir violée; il en fait en prison, et son procès differé à l'arrivée des vaisseaux. [Journal des Jésuites, p. 120.]

The old Scotch sea-dog, if public report was to be credited, was jailed but not convicted, for having committed the same offence for which M. Desormier was publicly whipped in October last. The ancient mariner, however, appears to have gone scot free. There is no account of his trial, either before the recorder or police magistrate of Quebec. Possibly the preliminary investigation fell through for lack of evidence. Query: Had the detectives of the day a finger in the pie? Was it a put-up job to damage the fair name of the ancient mariner? Quien sabe?

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Aug. 4.

Judicial Abandonments.

Arthur Frenette and Henri Frenette, (H. Frenette & Frère), Fraserville, Aug. 1.

J. Côté & frère, tanners, Quebec, Aug. 1.

Léon G. Villeneuve, trader, parish of St. Faustin, July 27.

Curators Appointed.

Re Archibald Cousineau.—C. Desmarteau, Montreal, curator, July 31.

Re Ross, Haskell & Campbell, wholesale fancy dry goods.—A. W. Stevenson, Montreal, curator, July 31.

Dividends.

Re Onésime Boulianne, Tadousac.—Second dividend, payable Aug. 21, T. Laurence, Quebec, curator.

Re Miss Ida Labelle (A. Labelle).—First dividend, payable Aug. 18, C. Desmarteau, Montreal, curator.

Re Miss P. Pelletier (L. N. Miller & Co.).—First and final dividend, payable Aug. 19, C. Desmarteau, Montreal, curator.

Re Langelier & Larivée.—First and final dividend, payable Aug. 18, J. O. Dion, St. Hyacinthe, curator.

Separation as to property.

Elmaïse Charlebois vs. Olivier Proulx, trader, Montreal, June 7.

Quebec Official Gazette, August 11.

Judicial Abandonments.

Joseph E. Godin, dealer in shoes, Three Rivers, Aug. 2.

Curators appointed.

Re Lewis G. Brown ("The Magog Hosiery Co.").—A. F. Riddell, Montreal, curator, Aug. 6.

Dividends.

Re Hy. Dinning & Co., Quebec.—Dividend, payable Aug. 29, T. O. Neill, Quebec, curator.

Re James Langlands & Son.—Dividend, S. C. Fatt, Montreal, curator.

Re O'Neill & Judd.—First and final dividend, payable Aug. 25, D. Arcand, Quebec, curator.

Re Wm. H. Parsons & Co.—Dividend, S. C. Fatt, Montreal, curator.

Re Rosario Roussille.—Second and final dividend, payable Aug. 18, O. Forget, Terrebonne, curator.

Re A. O. Turcotte, Broughton.—First and final dividend, payable Aug. 23, D. Arcand, Quebec, curator.

Separation as to property.

Julie Bondy vs. Alphonse Racette, trader, Three Rivers, Aug. 4.

Quebec Official Gazette, August 18.

Judicial Abandonments.

Joseph Elzéar Picard and Joseph Elzéar Pinault, traders, Fraserville, Aug. 14.

Pierre Ricard, trader, Coaticook, Aug. 7.

Honoré Thibodeau, trader, Victoriaville, Aug. 13.

Curators appointed.

Re Théodore Delâge.—Kent & Turcotte, Montreal, joint-curator, Aug. 10.

Re Joséphine Galarneau (E. L. Ethier & Co.).—Kent & Turcotte, Montreal, joint-curator, Aug. 9.

Re Frs. Xavier Gareau.—Kent & Turcotte, Montreal, joint-curator, Aug. 10.

Re James Guest.—A. F. Riddell, Montreal, curator, Aug. 14.

Re J. Logan Lamplough, music dealer.—S. C. Fatt, Montreal, curator, Aug. 14.

Re Moïse T. Sarault.—Kent & Turcotte, Montreal, curator, Aug. 10.

Re Trépannier & Co., district of Quebec.—Kent & Turcotte, Montreal, joint-curator, Aug. 16.

Re Troutbeck & Co., fancy goods dealers, Montreal.—J. M'D. Hains, Montreal, curator, Aug. 14.

Dividends.

Re T. Michaud & Co., Lachevrotière.—First and final dividend, payable Aug. 31, D. Arcand, Quebec, curator.

Re John Thompson.—First and final dividend, payable Sept. 5, John Boyd, St. Chrysostôme, curator.

Separation as to property.

Marie Ovide Lamarre vs. Antoine Achin, Sr., Montreal, Aug. 11.

GENERAL NOTES.

PATENT CASES.—The length to which patent cases are drawn out has at length elicited judicial comment. It is a crying evil, as practitioners in the Chancery Division can testify. For weeks at a time the courts on that side have been blocked, and the block is with certainty afterward transferred to the Court of Appeal. The weary judges cry out, and Lord Justice Cotton now pathetically tells counsel that short arguments are most effective. It is remarkable how few advocates recognize the force of brevity, not only with judges but with juries. But something ought to be done to remove patent causes out of the ordinary tribunals. —*Law Times* (London.)

A curious blunder came to light in the Cumberland (Me.) Superior Court last week. In an indictment against a Brighton man for keeping a liquor nuisance it was alleged, through a mistake in copying, that he had been guilty of the offence on the 15th day of May, 1806, and on divers days since then up to the time of finding the indictment. The counsel for the respondent was elated at the discovery of this error and confidently moved to quash the indictment on the ground that his client was not alive in 1806. But the county attorney rose and said that he would enter *nolle prosequi* as to the first eighty years of the indictment and would try his case on the remaining time. The judges ruled that the indictment would then hold good. Upon this the respondent pleaded guilty and paid his fine.