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CHIEF JUSTICE MEREDITH.

We do not know whether it is quite in accordance with recognized usage for a professional body to recommend any one, no matter how distinguished, as a proper subject for imperial distinctions. The General Council of the Bar of Quebec is an important assembly, though we should not like to see *all* their recommendations adopted. In one resolution, however, we heartily concur, and we presume it was the certainty that they expressed the sentiment not only of the profession but of the entire community, which led two very eminent legal gentlemen to propose and second the following resolution at the recent meeting in Montreal:—

Moved by Hon. GEORGE IRVINE, Q. C., seconded by Hon. R. LAFLAMME, Q.C., and unanimously

Resolved, that this council deems it fitting to place on record their warm appreciation of the eminent services rendered as well to the legal profession as to the public by the Hon. Wm. Collis Meredith, chief justice of the Superior Court, during his long and distinguished judicial career, the high character he has always maintained and the universal confidence he has continued to inspire, and to express their belief in the great satisfaction it would give should Her Majesty see fit, in recognition of his services, to confer upon His Honour a suitable mark of her royal favour, and their hope that the matter may be speedily brought to the notice of Her Majesty by the proper authorities. Resolved, that the secretary be instructed to forward a copy of this resolution to the hon. minister of justice.

We need not add anything to the terms of the resolution. The mover and seconder have filled the highest offices in Provincial and Federal administrations, and their recommendation as well as that of the General Council should have some influence. Moreover, on looking back, we find that just three years have glided past since we ventured to make the same suggestion in this journal (*vide* 4 L. N. 169). It is not because Chief Justice Meredith is Chief Justice of the Superior Court of Quebec that he should be knighted (though this would not be asking much when we reflect that the honour has been bestowed on Chief Justices of places like Fiji), but the distinction should be conferred on the special grounds which are set forth in very moderate terms in the resolution.

A MODERN CHINESE WALL.

What are our friends in the Ancient Capital about? It is all very well to make their Yankee visitors pay sweetly for the privilege of seeing the antiquities in August and September, but now we have the forecast of something more serious. A bill before the Legislature proposes to erect a wall *à la Chinoise* round about Quebec, and here are some specimens of the bricks which are to be used in the construction:—

"119. Every contractor who does not keep house within the limits of the city, and comes to execute contracts or works, must obtain a license from the city clerk, and pay to the city a tax not exceeding five per cent. on the amount of the contracts or works.

"120. Every professional man, business man, mechanic, workman, or day labourer, who has not his residence within the limits of the city, must obtain from the city clerk a license to exercise his profession, art or trade, or to work within the limits of the city, and pay for such license the sum fixed by the council.

"121. For persons who have not their private residence within the limits of the city, the business tax and license shall be double the amount they are for those who have their private residence within the city limits."

Before the lawyer *in partibus* can open his mouth within the sacred precincts, he must elbow his way with the hod-carrier seeking a day's job, in order to get a permit to speak.

This may be all right, but the license for contractors strikes us as particularly amusing. Does not this mean that every proprietor who wants to build or repair a house within the city must pay about five per cent. môre, a tax to that amount being levied on competitors from without?

THE LATE CHIEF JUSTICE SPRAGGE.

John Godfrey Spragge, late Chief Justice of the Court of Appeal, Ontario, died at Toronto on Sunday, April 20. The deceased

was born in England on the 16th of September, 1806. He came to Canada with his father in early youth, and applied himself to the study of the legal profession, to which he was admitted in due course. In 1841 he was appointed the first Master of the Court of Chancery of Upper Canada. In 1850 he was appointed Vice-Chancellor, and in 1869, on the death of Chancellor Blake, Mr. Spragge succeeded to the high office of Chancellor. A further step was still in reserve, for upon the death of Chief Justice Moss in 1882, Chancellor Spragge was offered and accepted the office of Chief Justice of the Court of Appeal, which he retained until his death.

The late Chief Justice was painstaking and careful in all that he did, and it is well known that such men, even with moderate parts, make safer judges in these days than those who, through over anxiety to obtain a reputation for brilliancy, fly to eccentricities of judgment. Chief Justice Spragge, however, united to a high degree of conscientiousness, a sound judgment, which was not only unimpaired but cultivated and ripened as years rolled on. As a private citizen as well as in his capacity of Chief Justice of Ontario, he enjoyed the esteem of all classes of the community.

Since the above was written, Chief Justice Hagarty, at the opening of the York Criminal Assizes, April 22, referred to the demise of his learned brother in the following terms:—

"The Court will adjourn early to-day in order to pay the last tribute of respect to the distinguished judge who has just passed from among us. To say that his judicial career of 34 years has been one of unsullied purity, is a tribute that may safely be paid to the memory of all departed judges of Ontario. The province has had the benefit of his high attainments, patient labours, courteous manners, and sagacious judgment for a period almost equal to that of his greatest predecessor, Sir John Robinson, a name dear to all Canadians, and especially to the Bench and bar of his much-loved country.

"Chief Justice Spragge has been taken from us in the midst of his labours, dying in his harness as a good judicial soldier. For myself I have to lament the loss of a valued friend and fellow labourer for many long years, and to one toiling in the same field for nearly nine and twenty years, his death speaks with a mournful significance and timely voice of warning."

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, February 21, 1884.

DORION, C.J., MONK, RAMSAY, CROSS, and BABY, JJ.

McDONELL et al. (plffs. below) Appellants, and BUNTIN (deft. below) respondent.

Procedure—Judgment of distribution—Art. 761, C.C.P.

An action will not lie by a hypothecary creditor, who has not been collocated in a report of distribution for a claim against an immovable mentioned in the registrar's certificate, to recover from a party alleged to have been illegally collocated by preference, the sum which plaintiff claims belonged of right to him. The recourse of a party aggrieved by a judgment of distribution is by appeal, or by petition in revocation, or by opposition to the judgment, as pointed out in C.C.P. 761.

The appeal was from a judgment of the Superior Court, Montreal (Rainville, J.) maintaining a demurrer filed by the respondent to the action of the appellants. (See 6 Legal News, p. 160; 27 L.C.J. 73.)

The declaration alleged that the plaintiffs (appellants) are the owners of a *bailleur de fonds* claim for $330 on certain real estate described in the declaration, which had been sold by the sheriff, and that Buntin, the respondent, had been collocated by preference and had received under the judgment of distribution the said sum of $330 which of right belonged to the appellants.

The action was met by a demurrer based chiefly on Art. 761 of the Code of Procedure, which states that "any party aggrieved by a judgment of distribution may seek redress by means of an appeal, or a petition in revocation, etc.," and "any creditor mentioned in the registrar's certificate, who has not appeared in the cause, may, moreover, within fifteen days, seek redress by means of an opposition to the judgment." The respondent contended that the judgment of distribution could not be attacked except in the modes pointed out in the article.

The Court below maintained the demurrer: "Considérant qu'en vertu de l'article 761 du

code de procédure civile, les dites demanderesses ne pouvaient se pourvoir contre le dit jugement que par opposition, dans les quinze jours, ou par appel, ou par requête civile; qu'elles n'ont pas produit telle opposition ou interjeté appel, et que leur présente demande n'allègue aucune des raisons donnant lieu à la requête civile," etc.

In appeal the judgment was unanimously confirmed.

Judgment confirmed.

J. Calder, for appellants.

R. Laflamme, *Q.C.*, counsel.

Bethune & Bethune, for respondents.

COURT OF QUEEN'S BENCH.

MONTREAL, March 27, 1884.

DORION, C.J., MONK, RAMSAY, CROSS, BABY, JJ.

LES ECCLESIASTIQUES DU SEMINAIRE DE ST. SULPICE DE MONTREAL (creditors collocated), appellants, and LA SOCIETE DE CONSTRUCTION CANADIENNE DE MONTREAL (contestant below), respondent.

Registration—Renewal under cadastral system.

The registration of a deed of sale in which the immoveable sold is described by its cadastral number, and in which the purchaser undertakes to pay the amount of a hypothec duly registered before the proclamation of the Cadastre, will not supply the place of the renewal of registration of such hypothec required by C. C. 2172.

The appeal was from a judgment of the Superior Court (Taschereau, J.), setting aside the thirteenth item of a report of distribution, and declaring that the building society, respondent, was entitled to rank before the appellants for the sum due to it.

The following were the *considérants* of the judgment of the Superior Court:

"Considérant que l'enregistrement opéré le 14 février 1873, de l'acte de vente du 13 février 1873, (vente par les dits créanciers colloqués à Médéric St. Jean) n'a pas été renouvelé dans le délai requis par la loi après la proclamation pour la mise en force des dispositions de l'article 2168 C. C., dans la circonscription d'enregistrement où est situé l'immeuble vendu en cette cause, et qu'à défaut du dit renouvellement l'hypothèque conservée aux dits créanciers colloqués par le premier enregistrement ne peut primer l'hypothèque de la demanderesse, résultant de l'acte d'obligation consenti en sa faveur par le dit Médéric St. Jean, le 16 août 1873, et enregistré le même jour, après la mise en force des dispositions du dit article 2168;

"Considérant que l'enregistrement opéré le 8 avril 1874, de l'acte de vente du 21 février 1874 (vente par Médéric St. Jean à Casimir Faille), n'a pu suppléer au défaut de renouvellement d'enregistrement de l'hypothèque susdite des créanciers colloqués, ni constituer un renouvellement du dit enregistrement aux termes des articles 2131, 2168 et 2172 du C. C., le dit acte du 21 février 1874 ne contenant qu'une simple indication de paiement en faveur des dits créanciers colloqués, non présents au dit acte, ne comportant aucun avis au régistrateur du renouvellement de la dite hypothèque des créanciers, et n'ayant été enregistré que pour la conservation des droits des parties au dit acte."

RAMSAY, J. This appeal comes up on a question purely of law. It is whether the appellants have lost the priority of their hypothec by their failure to renew, according to the precise formalities of law, the registration of their claim; that is to say, whether what is equivalent will suffice.

The appellants' claim for $400 was due on a deed of sale from them to one St. Jean, dated the 13th February, 1873, registered on the following day. On the 15th July, 1873, the *cadastre* for the parish of Montreal was put in force, and consequently the time for re-registration expired on the 15th July, 1875. The appellants did not re-register. On the 16th August, 1873, St. Jean hypothecated the property in question for $1,900, which was duly registered under the new system. It is admitted that if there was nothing but this the appellants have lost the priority of their hypothec. But it is established that on the 21st February, 1874, a deed of sale of the above property was made to one Faille, in which the debt to the appellants was reserved, the purchaser promised to pay it, and this deed referred fully to the previous deed and to its registration by date

and number, and Faille's deed was duly registered on the 8th April, 1874.

The argument is this: Registration is for the purpose of publicity; it is not necessary that all the formalities of the law should be observed; it is not necessary that the registration should be done by the party interested; the registration of the deed by a stranger is as effective as the registration by the creditor or his agent; therefore the registration of the deed to Faille was a good registration of appellant's hypothec, at all events from the 8th April, 1874. Further, it is argued, the requirements of re-registration cannot be greater than those of the original registration; it is specially provided by an act (38 Vic., ch. 14) sanctioned 23rd February, 1874, and consequently before the expiration of the delay to re-register, that the notices mentioned in 2172 may be given by any person for the party interested, and that, as the registration of the deed to Faille would be sufficient as a registration to protect appellants' claim, it is equivalent to a re-registration of the original deed from appellants, being made *en temps utile*, that is before the delay to renew had expired, and that the failure to re-register does not put the respondents in a worse position than they were in before. They took their security subsequently to the registration of the appellants' claim, and when that claim was validly registered, and if the respondents succeed they do so simply by the omission of the appellants to do something that the respondents had no interest in having done.

On the other hand it may be said that the system of registration, like every kind of publication, is the creation of positive law. It is created not for the purpose of giving notice to a particular person who does not know, but in order that no one can plead ignorance. And so the knowledge of the existence of a prior debt does not cover the want of registration. For the same reason it is absolutely necessary to comply with the forms prescribed, and it is not sufficient to do something else that might, if the law had so willed it, have been a sufficient warning. Article 2172 prescribes the requirements for the *renewal* of registration. There must be a renewal containing a notice describing the immoveable affected, in the manner prescribed in article 2168, *and conforming to the other formalities prescribed in article 2131 for the ordinary renewal of the registration of hypothecs.* On turning to 2131 we find there must be "a notice to the registrar, designating the document, the date of its original registration, the immoveable affected, and the person who is then in possession of it; and the volume and page in which the notice of renewal is registered must be referred to in the margin of the original registration." There was no such notice, and consequently there has not even been an attempt at a renewal.

Appellant's argument is supported in this way. He says the Cour de Cassation in dealing with this very subject has invariably laid down the broad rule that the formalities of inscription need not be followed in the renewal.* It seems to me that this is unquestionably the jurisprudence in France. The doctrine as resumed by Aubry & Rau (3 : 383) appears to be, 1st, that it is not absolutely indispensable that the renewal should follow all the formalities of the article 2148 C. N.; 2nd, that in default of any enunciation or indication of the previous inscription, "la nouvelle inscription ne vaudrait que comme inscription première. Upon the first point there is tolerable unanimity of opinion, but Troplong evidently considers the requirement of the date as partaking of the character of judge-made law. (3 Pr. & Hyp. 715.) However this may be it has been steadily adhered to.† But the question for us is whether these decisions apply to our law and how far they apply. I am disposed to think that their abstract principle applies. That is to say, I think that here as in France a renewal *may* be sufficient, if the requirements of the law be substantially, though not literally, complied with. But the law as laid down in France cannot furnish a guide to us as to what is a substantial compliance

* Sir. Cass. 3 Feb. 1819. Dalloz, 25 Feb. 1825. Troplong says there is a decision of the Cour de Cassation, 14 Jan. 1818, contra. Dalloz, Hyp. 307. I think this must be a mistake, and that properly considered the *arrêt* of 1818 does not turn really on this point. It is not likely the Cour de Cassation would on the 25 Feb. 1819 overrule so recent a decision.

† Sir. Cass. 14 June 1831; 29 Aug. 1838; 16 Feby. 1864.

with the code, for their system differs essentially from ours. Their renewal is prescribed by a very short article, 2154: "Les inscriptions conservent l'hypothèque et le privilége pendant dix années à compter du jour de leur date; leur effet cesse, si ces inscriptions n'ont été renouvellées avant l'expiration de ce délai." Now, the discussion there arose as to whether this meant that a new inscription should be made as directed by article 2148. And the *arrêts* I have referred to are the judicial answer to the question of what it was necessary to do. Here, however, our legislative attention being specially directed to the Code Napoléon, we deliberately devised a system totally different, and which lays down an explicit procedure which must be followed. The party desiring to renew gives the registrar a notice specifying the particulars of the deed to be renewed. This notice is inscribed at full length in a new book, and its inscription is indicated in an index. In addition to this the registrar is obliged to enter on the margin of the original inscription a mention of the renewal. It is quite obvious that a man perfectly conversant with the requirements of the law might follow its behests to the letter for all that he desired to know and never discover that there was a re-registration. That is, he might look at the old inscription which he knew of, and no note in the margin would tell him that that hypothec had any effect (2082). He might turn to the index of renewals and find it totally blank. He might go to the registrar and demand a copy of the deed registered, but no marginal entry would testify to the renewal (2178), or that the deed was other than it seemed, an hypothec which had no effect. Nothing but a full search, which no one is bound to require if he only desires to know a particular fact, would have disclosed the new inscription by Faille's deed. In France it appears that the party is obliged to make a general search, and, therefore, he cannot fail to find the warning. But we are told, a party to the deed, like respondent, knew, and so forth. But under our law, it is not a question of good and bad faith. With us knowledge is nothing, and, therefore, we are not perplexed like the Cour de Limoges when it ruled: "Le renouvellement d'une inscription hypothécaire est valable bien qu'il ne mentionne pas l'inscription renouvellée. Il en est ainsi surtout vis-à-vis des créanciers qui ont connu l'inscription primitive, et qui n'ont pu dès lors éprouver aucun préjudice de son défaut de mention dans le renouvellement." (Sir. 14 Av. 1848.) It would be impossible to distribute the money arising from a sale if we were to admit this mistaken doctrine of equity. Registration is not the only institution of the law where real rights are lost by *laches*; for instance, the omission to give notice of protest to an endorser, relieves, not because he suffers by not being notified, but because he *may* suffer. I am therefore to confirm.

I may remark, there is a little difficulty which might perhaps be serious under certain circumstances, but which was not raised in this case, and which has no effect on the judgment rendered. Faille's deed gives an incorrect date as being that of the one it evidently intends to refer to.

Judgment confirmed.

Geoffrion, Rinfret & Dorion for Appellants.

Beique & McGoun for Respondent.

COURT OF QUEEN'S BENCH.

MONTREAL, Jan. 25, 1884.

DORION, C.J., MONK, RAMSAY, CROSS, BABY, JJ.

TANSEY (contesting collocation), Appellant, and BETHUNE et al. (collocated), Respondents.

Costs—Privilege—Art. 606, *C.C.P.*

Where a defendant in an action of damages which has been dismissed with costs, causes an immoveable belonging to the plaintiff to be taken in execution and sold by the Sheriff, he has a right to be collocated by privilege on the proceeds of sale for his costs of suit as well as for the costs subsequent to judgment.

The judgment appealed from, Superior Court, Montreal (Jetté, J.), maintained the collocation of respondents for their taxed costs in an action, *Emerson* v. *Darling* et al., in which the respondents appeared as attorneys for the defendants, and obtained the dismissal of the action with costs.

The appellant, a hypothecary creditor, contested the collocation on the ground that

under Article 606 C. P., the costs of *defending* an action have no privilege, and should not rank before a hypothecary claim against the immoveable sold, inasmuch as Art. 606 (8) mentions only a *plaintiff's* costs of suit.

The Court below maintained the collocation : "Considérant que le privilége pour les frais de justice n'est pas établi par l'article du Code du procédure civile invoqué, mais bien par les articles 1994 et 2009 du code civil, qui ne comportent aucune restriction telle que celle alléguée par le contestant ;

"Considérant qu'en droit ce privilége s'étend à toutes les avances et dépenses faites par qui que ce soit, dans l'intérêt commun des créanciers, et à celles ayant pour résultat d'arriver à la réalisation du gage et à la distribution du prix pour l'avantage de tous ;

"Considérant en outre que l'article 606 du C. P. C., surtout tel qu'amendé par le statut 33 Vict. ch. 14, s. 2, n'a pour effet que de régler l'ordre de collocation des frais de justice entre eux, et ne saurait être interprété de manière à restreindre le privilége accordé pour les frais par les articles précités du code civil ;

"Considérant en conséquence que le défendeur qui, par ses procédures dans l'espèce, a procuré la réalisation du gage commun des créanciers du demandeur, ne saurait dans les circonstances être privé du privilége susmentionné," etc.

In appeal, the judgment was confirmed, Ramsay, J., dissenting.

Judgment confirmed.

Calder, for appellant.

Bethune & Bethune, for respondents.

COURT OF REVIEW.

MONTREAL, Jan. 31, 1884.

Before JOHNSON, J., TORRANCE, J., RAINVILLE, J.

JOUBERT es qual. v. WALSH.

Substitution—"Enfans"—Interpretation.

In a deed of donation creating a substitution the term "children" ["enfans"] was held to include grandchildren, it not appearing from the terms of the deed that the word "children" was used in a restricted sense.

The case was inscribed by the defendant, in Review of a judgment of the Superior Court, District of Joliette, (Mathieu, J.)

The judgment maintained a petitory action brought by the plaintiff as tutor to his minor children, whom he alleged to be substitutes under a substitution said to have been created by the will of their great-grandfather and great-grandmother.

The Court of first instance maintained the action, holding that the word "children," either in the disposing part or in the conditions of substitutions, applies to more than one degree unless it appears from the terms of the instrument that the word "children" was used in a restricted sense. (See 12 R.L. 334, where the judgment is reported.)

In Review, the judgment was unanimously confirmed.

J. A. N. McConville for plaintiff.

Barnard, Beauchamp & Barnard for defendant.

THE QUEBEC BAR.

At a general meeting of the Bar of the Province of Quebec held in the Montreal court house on the 15th and 16th instant, there were present Mr. J. B. L. Houde, *bâtonnier général*, in the chair, Hon. R. Laflamme, Hon. G. H. Malhiot, Hon. George Irvine, Messrs. W. White, C. A. Geoffrion, and S. Pagnuelo, secretary-treasurer of the council. In addition to the resolution referring to Chief Justice Meredith, noticed elsewhere, the following resolutions were unanimously adopted :—

Moved by Mr. Pagnuelo, Q.C., seconded by Hon. R. Laflamme, Q.C., and

Resolved, That, following the suggestion made by the examiners, first, the lieutenant-governor be prayed to compel the universities which confer degrees in law in this province to give the report mentioned in section 44, paragraph 2, of the Act of 1881, concerning the bar ; second, that section 44, paragraph 1, of the said act be amended, repealing the part referring to two years of study in a university, and confining ordinary clerkship to four years; third, that candidates for practice who have obtained a degree in law must furnish to the examiners a certificate from the rector or principal of the university or college of the number of lessons received by each candidate in each branch of law, and the said examiners may refuse to accept such degree as valid if they are of opinion

that the programme submitted to the lieutenant-governor, or prescribed by him, has not been efficiently followed.

Moved by the Hon. George Irvine, Q.C., seconded by Mr. Pagnuelo, Q.C., and

Resolved, That this Council renews the opinions which it has already unanimously expressed on February 2nd, 1883, and May 28th, 1883, that the need for reform in the administration of justice becomes more and more urgent, and that the importance, the extent and the difficulty of preparing a good scheme of procedure requires the appointment of a commission composed of a judge and two practising advocates, who will consult the local councils, the general council and the judges, and will prepare an elaborate scheme accompanied by a statement of motives.

Moved by Hon. R. Laflamme, Q.C., seconded by Mr. Wm. White, Q.C., and unanimously

Resolved, That while reiterating the opinion of the necessity of a complete consolidation and reform of the Code of Civil Procedure by a duly constituted commission, this council suggests to the Hon. Attorney-General that certain amendments to the act of last session and of the said code urgently require the attention of the Provincial Legislature at the present session, and that these should be immediately enacted in substance and to the effect following:—That 46 Victoria, chapter 26, be amended by substituting the following words for clause 1, Every judicial day shall be reputed to be a term day for the enquête and hearing of cases, in the Superior Court as in the Circuit Court, whether they are inscribed for enquête only or for enquête and hearing; at the same time, nevertheless, in districts other than those of Montreal and Quebec, the Superior Court shall not sit on the days for holding the Circuit Court in that district; the Circuit Court and the Superior Court for cases inscribed for enquête and hearing shall sit only during the days now fixed as term days for those courts respectively, or which shall be so fixed hereafter according to the mode established by law. 2. That paragraph 3 of section 2 be repealed and the following substituted: The official stenographers shall be officers of the Court and paid fees by the party producing the witness. The judge may give judgment without waiting for the notes of evidence to be copied. Nothing in this act shall be interpreted as affecting the provisions of the Code of Procedure with regard to the vacation of July and August, nor as binding the Court to sit between December 23rd and January 9th. 3. Article 1054 of the code of civil procedure as amended by the Act of 34 Vict., chap. 4, is amended by striking out the words "except in the districts of Quebec and Montreal," and by substituting in the place thereof the words "except in the districts of Quebec, Montreal, Saint Francis and Three Rivers." It is, however, declared that the Circuit Court in the districts of St. Francis and Three Rivers other than that sitting at the cities of Three Rivers and Sherbrooke shall continue to have the same jurisdiction in appealable suits as heretofore. Every appealable cause in the Circuit Court sitting at the cities of Sherbrooke and Three Rivers, commenced before the coming into force of this act and wherein final judgment shall not have been rendered, shall cease to be within the jurisdiction of the Circuit Court, and all proceedings, orders and judgments in every such case shall be taken, made and rendered in the Superior Court, and the books, archives and records of the Circuit Court relative to every such case shall belong and be transmitted to the Superior Court immediately after the coming into force of this act. Notwithstanding anything mentioned in the Act cap. 26, 46 Vic., the powers and jurisdiction conferred upon prothonotaries and clerks of Circuit Courts under articles 89, 90, 91, 92 and 93 of the Code of Civil Procedure are hereby continued and declared to be and to have always been in full force, and the powers conferred by said articles upon prothonotaries of the Superior Court and clerks of the Circuit Court, may be exercised by them during the terms of the Superior Court and Circuit Court as in vacation, and the said Superior and Circuit Courts shall have power to render judgments in such cases upon plaintiff's affidavit. That every insolvent trader may be required by one or several creditors for a total sum of $200, to make an assignment of his effects for the benefit of his creditors; such insolvent debtor will be obliged to assign his effects to the clerk of the Superior Court of the district where he resides, in conformity with the dispositions of articles 763, 764, 765 of the Code of Civil Procedure. Every insolvent may make such assignment voluntarily in the same manner. Every interested party may then ask the judge to call a meeting of the creditors, and the judge is to call such meeting with little delay, in such way as he deems proper, to appoint a curator for the effects of the said debtor. Articles 770 to 779 inclusive apply to the present Act; except that the words "*sous cautionnement*" be omitted from 773. Article 776 is amended by adding: every debtor arrested on a *capias*, who omits to make assignment and to produce the statement required by Articles 763 and 764 is submitted to the same penalties. Every debtor who has assigned his goods, as above, is submitted to the summary jurisdiction of the judge and of the court, on pain of contempt of court.

Resolved, that a committee of this council consisting of Messrs. J. B. L. Houde, the Batonnier-General, Bossé, Irvine and the secretary-treasurer, be appointed to carry out the objects of this resolution, and to revise the phraseology of such bill as may be prepared with the view above stated.

RECENT ENGLISH DECISIONS.

Criminal Law—Larceny.—The prisoner and another person went to an inn. The prisoner asked the barmaid for whiskey. He put down half a sovereign, and received 9s. 6d. in silver in change. He then asked for the half-sovereign back, saying he thought he had change. She gave it back. His companion then asked for a cigar. She served him with it. The prisoner then put down 10s. in silver and a half-sovereign, asking the barmaid to give him a sovereign for it, which she did. His companion kept on engaging the barmaid's attention. The prisoner never returned the 9s. 6d which the barmaid gave him in the first instance. The barmaid never intended to part with her master's money except for full consideration. The prisoner having been convicted on an indictment for larceny of the money, the court sustained the conviction. Crown Cases Reserved, Nov. 21, 1883. *Regina* v. *Hollis.* Opinion by Lord Coleridge, C.J. (49 L. T. Rep. 572.)

Agency—When agent to sell may warrant.—A servant intrusted by his master with the sale of a horse at a fair may have an implied authority to give a warranty to the purchaser. Brady v. Todd, 9 C.B. (N.S.) 592, commented on and distinguished. Q. D. Div., December 4, 1883. *Brooks* v. *Hassell.* Opinions by Lord Coleridge, C.J., and Stephen, J. (49 L. T. Rep. [N. S.] 569.)

Suretyship—Discharge of surety by dealings with principal.—The rule that a surety is discharged by the creditor dealing with the principal, or with a co-surety, in a manner at variance with the contract, does not apply to the case of co-sureties who have contracted severally. The appellant agreed to guarantee advances made by the respondent bank to one K. to the amount of £1,000; M. had previously guaranteed advances to K. to the amount of £600. The bank afterward released M. from his liability in consideration of a new guaranty given by him. *Held,* that such release constituted no defence in an action by the bank against the appellant on his guaranty, it not being averred that his right of contribution against M., if any, was injuriously affected. Privy Council, July 11, 1883. *Ward* v. *National Bank of New Zealand.* (49 L. T. Rep. [N.S.] 315.)

GENERAL NOTES.

In the session of the parliament of Canada which closed on Saturday, the 19th inst., one hundred and five acts were passed, of which forty were government measures, thirty-five related to railways, nine to insurance companies and five to banks.

Did any one ever think how much space it required to bury the dead? If one would be content with a grave two feet by six, 3,630 bodies could be interred in one acre, allowing nothing for walks, roads or monuments. On this crowded theory London's annual dead, numbering 81,120, would fill twenty-three and one-half acres.

Speaking of the evasion of law (says the *Albany Law Journal*) some governor, forbidden by law to commute, has respited a murderer for fifty years. Of course we know nothing of the particular hardships of the case in question, but the act looks like an unhandsome evasion of the law. It is such acts that inspire if they do not excuse lynching.

Judge Turner, of the original court of Franklin County, Va., directed the following order to be entered on record at the recent sitting:—"It appearing to the court from the testimony of medical experts that the applicant is of the male sex, and that his present name is inappropriate, it is ordered that his present name of Lydia Rebecca Payne, be changed to that of Lawrence Regester Payne, which shall henceforth be his lawful name."

From the edition of Messrs. Geo. P. Rowell & Co's American Newspaper Directory for 1884, now in press, it appears that the newspapers and periodicals of all kinds at present issued in the United States and Canada reach a grand total of 13,402. This is a net gain of precisely 1,600 during the last twelve months, and exhibits an increase of 5,618 over the total number published ten years since. The increase in 1874 over the total for 1873 was 493. During the past year the dailies have increased from 1,138 to 1,254; the weeklies from 9,062 to 10,028; and the monthlies from 1,091 to 1,499. The greatest increase is in the Western States. Illinois, for instance, now shows 1,009 papers in place of last year's total of 904, while Missouri issues 604 instead of 523 reported in 1883. Other leading Western States also exhibit a great percentage of increase. The total number of papers in New York State is 1,523, against 1,399 in 1883. Canada has shared in the general increase.