The Legal News.

Vol. X. JULY 23, 1887. No. 30.

In *Delano* v. *Case*, June 17, 1887, the Supreme Court of Illinois affirmed the judgment of the Appellate Court, holding that the directors of banks are trustees for depositors as well as for stockholders, and as such are bound to the observance of ordinary care and diligence to save depositors from loss. Hence, if bank directors are guilty of negligence in permitting their bank to be held out to the public as solvent, when in fact it is insolvent, and thereby induce one to deposit his money with the bank, he may recover of such directors, in an action on the case, the damages sustained. The Court cited *Percy* v. *Millandon*, 3 Louisiana, 568; Wharton on Negligence, § 510; Moore on Banks and Banking, 133.

Sir Matthew Crooks Cameron, Chief Justice of the Common Pleas, who died at Toronto, after a brief illness, on June 25, was the only one of the Ontario Chief Justices, who, on the recent occasion, accepted the proffered honour of knighthood. Mr. Cameron was born in Canada in 1822, educated in his native province, and called to the bar in 1849. He was very successful as an advocate before juries, and a forcible public speaker. In 1863, he was made Q. C., and in 1878, was appointed a *puisné* justice of the Queen's Bench. In 1884, on the removal of Chief Justice Wilson from the Common Pleas to the Queen's Bench, Judge Cameron succeeded to the Chief Justiceship of the former.

We have received a copy of a poetic and loyal effusion, by Mr. G. W. Wicksteed, Q.C., in honour of the Jubilee. The freely-flowing verse in which Mr. Wicksteed celebrates the occasion shows that in his case, years have not exiled the power "that breathes an energy divine, that gives a soul to every line." Mr. Wicksteed is also the author of a national anthem.

A rather poor joke nearly ended in a serious piece of business before an English Court. *Davis* v. *Dalziel* was an action for libel against the publisher of a comic newspaper. The libel complained of was as follows: "Umbrella tricks.—Irate customer: Look here, I bought this compactum umbrella at your shop yesterday. You guaranteed that it would remain small and tidy; and now look at it! I can't fold it up into double its original size. Shopkeeper (blandly, as he inspects the article): I am sure I am very sorry; and I cannot account for it unless —(horrified)—why, my dear sir, you've been using it!" The plaintiff sold only the compactum umbrella, of which he possessed the patent and a copyright, and he complained that the article was calculated to injure him seriously in his business. Baron Huddleston told the jury that the case must be treated by them as men of the world; for if every joke of this kind was made the subject of an action the courts would be fully occupied. It was possible that the plaintiff intended and might by this means get a cheap and excellent advertisement, but they were bound to consider the question as seriously as they could because it was brought before them. To make this a libel they were gravely asked to find that this joke had an innuendo, namely, that the plaintiff fraudulently and deceitfully, and in breach of contract, manufactured and sold the compactum umbrella as one which would shut up in a small compass, well knowing that it would not, etc. It was in their power to give the plaintiff £100,000 for this libel, or they might give him a farthing, or they might find a verdict for the defendant. It was for them to say what they thought of it. The jury found a verdict for the defendant.

LEGISLATION OF LAST SESSION.

The Act 50 Vict., (D.) ch. 14, assented to June 23, to make provision for the appointment of a Solicitor General, enacts as follows:

"1. The Governor in Council may appoint an officer who shall be called the 'Solicitor General of Canada,' and who shall assist the Minister of Justice in the counsel work of the Department of Justice, and shall be

charged with such other duties as are at any time assigned to him by the Governor in Council.

"2. The salary of the Solicitor General of Canada shall be five thousand dollars per annum.

"3. Nothing in the ninth Section of the Revised Statutes, chapter eleven, respecting the Senate and House of Commons of Canada, shall render the Solicitor General ineligible as a member of the House of Commons, or shall disqualify him to sit or vote therein, provided he is elected while he holds such office, and is not otherwise disqualified.

"4. Whenever any person who holds the office of Solicitor General, and is, at the same time, a member of the House of Commons, resigns his office, and within one month after his resignation accepts any of the offices mentioned in subsection three of section nine of the '*Act respecting the Senate and House of Commons*,' and becomes a minister of the Crown, or accepts the office of Controller of Customs or Controller of Inland Revenue created by the Act of the present session intituled '*An Act respecting the Department of Customs and the Department of Inland Revenue*,' he shall not thereby vacate his seat, unless the administration under which he held office as Solicitor General has resigned and a new administration has been formed."

Ch. 15, 50 Vict., (D.) amends ch. 138, s. 4 of the Revised Statutes, respecting the Judges of Provincial courts, by substituting the word "Fourteen" for the word "Thirteen" in the tenth line thereof.

Ch. 16, an Act to amend "The Supreme and Exchequer Courts Act," and to make better provision for the Trial of Claims against the Crown, enacts:—

THE EXCHEQUER COURT.

"2. The Court of Exchequer, now existing under the name of 'The Exchequer Court of Canada,' is hereby continued under such name, and shall continue to be a court of record.

"3. The Exchequer Court shall consist of one judge.

"(2). Any person may be appointed a judge of the court who is or has been a judge of a superior or county court of any of the Provinces of Canada, or a barrister or advocate of at least ten years' standing at the bar of any of the said Provinces:

"(3). The judge of the court shall not hold any other office or emolument either under the Government of Canada or under the Government of any Province of Canada:

"(4). The judge of the court shall reside at Ottawa or within five miles thereof:

"(5). In case of sickness or absence from Canada of the judge of the court, the Governor in Council may specially appoint some other person having the qualifications mentioned in subsection two of this section, who shall be sworn to the faithful performance of the duties of his office and shall have all the powers incident thereto during the sickness or absence from Canada of the Judge of the court:

"(6). If the judge of the court is interested, in any matter whatsoever, in any case before the court, he shall not adjudicate upon the same, but the Governor in Council may specially appoint some other person having the qualifications mentioned in subsection two of this section, who shall be sworn to the faithful performance of the duties of his office, and shall act as such judge *pro hac vice* and have, in relation to the case in respect of which he is appointed, all the powers of such judge; but nothing in this sub-section contained shall interfere with the judge of the court with respect to any other case.

"4. The judge of the court shall hold office during good behavior, but shall be removable by the Governor General on address of the Senate and House of Commons:

"5. There shall be paid and payable out of the Consolidated Revenue Fund of Canada, the yearly sum of six thousand dollars as and for the salary of the said judge:

"(2). There shall be paid to the said judge for travelling allowances his moving expenses and the sum of five dollars for each day during which he is attending as such judge any court at any place other than the city of Ottawa.

"6. If the judge has continued in the office

of judge of the court for fifteen years or upwards, or in the said office and that of judge of one or more of the superior courts, or of the courts of vice-admiralty, or the county courts, in any of the Provinces of Canada, for periods amounting together to fifteen years or upwards; or becomes afflicted with a permanent infirmity, disabling him from the due execution of his office; and if such judge resigns his office, Her Majesty may, by letters patent under the great seal of Canada, reciting such period of office or such permanent infirmity, grant unto such judge an annuity equal to two-thirds of his salary as such judge at the time of his resignation, and to commence immediately after his resignation and to continue thenceforth during his natural life, and to be payable by monthly instalments, and *pro ratâ* for any period less than a year during such continuance, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

BARRISTERS AND ATTORNEYS.

"12. All persons who are barristers or advocates in any of the Provinces, may practise as barristers, advocates and counsel in the Exchequer Court.

"13. All persons who are attorneys or solicitors of the superior courts in any of the Provinces, may practise as attorneys, solicitors and proctors in the Exchequer Court.

"14. All persons who may practise as barristers, advocates, counsel, attorneys, solicitors or proctors in the Exchequer Court, shall be officers of such court.

JURISDICTION.

"15. The Exchequer Court shall have exclusive original jurisdiction in all cases in which demand is made or relief sought in respect of any matter which might, in England, be the subject of a suit or action against the Crown, and for greater certainty, but not so as to restrict the generality of the foregoing terms, it shall have exclusive original jurisdiction in all cases in which the land, goods or money of the subject are in the possession of the Crown, or in which the claim arises out of a contract entered into by or on behalf of the Crown.

"16. The Exchequer Court shall also have exclusive original jurisdiction to hear and determine the following matters:—

(*a.*) Every claim against the Crown for property taken for any public purpose;

(*b.*) Every claim against the Crown for damage to property, injuriously affected by the construction of any public work;

(*c.*) Every claim against the Crown arising out of any death or injury to the person or to property on any public work, resulting from the negligence of any officer or servant of the Crown, while acting within the scope of his duties or employment;

(*d.*) Every claim against the Crown arising under any law of Canada or any regulation made by the Governor in Council;

(*e.*) Every set off, counter claim, claim for damages, whether liquidated or unliquidated, or other demand whatsoever, on the part of the Crown against any person making claim against the Crown.

"17. The Exchequer Court shall have and possess concurrent original jurisdiction in Canada,—

(*a.*) In all cases relating to the revenue in which it is sought to enforce any law of Canada, including actions, suits and proceedings by way of information to enforce penalties, and proceedings by way of information *in rem*, and as well in *qui tam* suits for penalties or forfeitures as where the suit is on behalf of the Crown alone;

(*b.*) In all cases in which it is sought at the instance of the Attorney General of Canada, to impeach or annul any patent of invention, or any patent, lease, or other instrument respecting lands;

(*c.*) In all cases in which demand is made or relief sought against any officer of the Crown for anything done or omitted to be done in the performance of his duty as such officer;

(*d.*) In all other actions and suits of a civil nature at common law or equity in which the Crown is plaintiff or petitioner."

The Act. 50 Vict., (D.) ch. 49, amends ch. 173 of the Revised Statutes, respecting threats, intimidation and other offences, by substituting the following for section 11:—

"11. Every person who unlawfully and by

force or threats of violence, hinders or prevents or attempts to hinder or prevent any seaman, stevedore, ship carpenter, ship laborer or other person employed to work at or on board any ship or vessel, or to do any work connected with the loading or unloading thereof, from working at or exercising any lawful trade, business, calling or occupation in or for which he is so employed; or beats or uses any violence to, or makes any threat of violence against any such person, with intent to hinder or prevent him from working at or exercising the same, or on account of his having worked at or exercised the same, shall, on summary conviction before two justices of the peace, be liable to imprisonment, with hard labor, for any term not exceeding three months."

Section 268 of the Criminal Procedure Act has been replaced by the following (50 Vict., ch. 50):—

APPEALS AND NEW TRIALS.

"268. Any person convicted of any indictable offence, or whose conviction has been affirmed before any Court of Oyer and Terminer or Gaol Delivery, or before the Court of Queen's Bench in the Province of Quebec, on its Crown side, or before any other superior court having criminal jurisdiction, whose conviction has been affirmed by any court of last resort, or, in the Province of Quebec, by the Court of Queen's Bench on its appeal side, may appeal to the Supreme Court against the affirmance of such conviction; and the Supreme Court shall make such rule or order therein, either in affirmance of the conviction or for granting a new trial, or otherwise, or for granting or refusing such application, as the justice of the case requires, and shall make all other necessary rules and orders for carrying such rule or order into effect: Provided that no such appeal shall be allowed if the court affirming the conviction is unanimous, nor unless notice of appeal in writing has been served on the Attorney General for the proper Province, within fifteen days after such affirmance:

"2. Unless such appeal is brought on for hearing by the appellant at the session of the Supreme Court during which such affirmance takes place, or the session next thereafter, if the said court is not then in session, the appeal shall be held to have been abandoned, unless otherwise ordered by the Supreme Court:

"The judgment of the Supreme Court shall, in all cases be final and conclusive:

"4. Except as hereinbefore provided, a new trial shall not be granted in any criminal case unless the conviction is declared bad for a cause which makes the former trial a nullity, so that there was no lawful trial in the case; but a new trial may be granted in cases of misdemeanor in which, by law, new trials may now be granted:

"5. Notwithstanding any royal prerogative, or anything contained in '*The Interpretation Act*,' or in '*The Supreme and Exchequer Courts Act*,' no appeal shall be brought in any criminal case from any judgment or order of any court in Canada to any court of Appeal established by the Parliament of Great Britain and Ireland, by which appeals or petitions to her Majesty in Council may be ordered to be heard."

"2. Sections sixty-eight and sixty-nine of '*The Supreme and Exchequer Courts Act*' are hereby repealed.

"3. The foregoing provisions of this Act shall not come into force until a day to be named by the Governor General, by his proclamation to that effect.

"4. Section 265 of '*The Criminal Procedure Act*' is hereby amended by striking out the words 'in the Province of Quebec'"

COURT OF QUEEN'S BENCH—IN APPEAL.*

Libel—Report of mercantile agency to subscribers—Malice.

HELD:—That where the report of a mercantile agency to its customers, concerning the standing of a person in business, is true, and no malice is proved, an action of damages for such publication will not be maintained.—*Girard & Bradstreet*, Feb. 15, 1875.

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

Libel and slander—Mercantile agency—Circulating erroneous information of a damaging nature—Privileged communication—Damages.

The appellant, a mercantile agency, sent a circular to its subscribers, with the words "call at office" in reference to the respondent, a dry goods merchant of Montreal. Those who enquired at the appellant's office, including a newspaper correspondent who was not a subscriber, were informed by the appellant's employees that the respondent's firm had applied for an extension of time on a large indebtedness to their English creditors. This information was untrue, and was based upon a report which the appellant had not verified. The circulation of the report by the appellant injured the respondent's credit, and embarrassed him in the management of his business, several orders for goods being cancelled, or suspended until the report was shown to be unfounded.

HELD:—(Affirming the decision of LORANGER, J., M. L. R., 2 S. C. 33) that the manager of a mercantile agency comes under the general rule (C. C. 1053), which makes every person capable of discerning right from wrong responsible for the damage caused by his fault to another, whether by positive act, imprudence, neglect or want of skill, and that the appellant was guilty of negligence in circulating through his employees a report of an injurious nature without verifying it, and also in communicating it by circular and verbally to persons who had no interest in being informed of the standing of respondent.

2. It being proved that the circulation of the report was damaging to respondent, it was competent to the Court below to estimate the amount of damages, and the judgment should not be disturbed. — *The Bradstreet Company & Carsley*, May 26, 1887.

CIRCUIT COURT.

PORTAGE-DU-FORT, (Co. of Pontiac), June 2, 1887.

Before WURTELE, J.

TROTTIER v. WALSH.

Procedure— C. C. P. 781, 782 — Coercive Imprisonment—Powers of judge in vacation—Notice of motion for rule—Specification of amount of debt.

HELD:—*When the judgment debtor prevents the bailiff from proceeding to the sale of the effects seized:—*

1. *That a judge in vacation can grant a rule for his imprisonment returnable in term.*
2. *That notice of the motion for the rule is not necessary.*
3. *That the rule must mention the amount, upon payment of which the judgment debtor will have the right to obtain his discharge.*

Execution was issued against the defendant and a seizure of his effects was made on the 21st March last.

The sale was fixed for the 23rd April last, but on that day the defendant prevented the bailiff from proceeding to the sale, and the latter made a return establishing the defendant's hindrance.

On the 20th May last, a motion was presented to the judge in chambers, at Aylmer, for a rule against the defendant for contempt, and a rule returnable on the 31st May last, before the Circuit Court at Portage-du-Fort in term, was granted.

The rule was duly issued, served and returned and asks, unless cause be shown to the contrary, "inasmuch as it appears that "the defendant did resist and obstruct the "bailiff in the execution of his duty under "the writ of execution issued in this cause, "and did prevent him from proceeding with "the sale of the effects seized, that the de-"fendant be held in contempt of court, and "imprisoned in the common goal of this "district for his resistance and obstruction "in the premises."

The defendant answered that the rule should be dismissed, amongst other reasons: 1. Because the motion for the rule had been made to the judge in chambers and the rule ordered the defendant to show cause before the court in term. 2. Because no notice had been given to the defendant of the motion for the rule. 3. Because no option was given in the rule to the defendant to pay the amount of the judgment and costs.

PER CURIAM. Cases of resistance to the seizure and sale of the property of a judg-

ment debtor fall under article 782 of the C. C. P. This article provides that a judge out of court may exercise all the powers of the court, and as the court could, in the present case, have granted a rule returnable on a day in term, the judge to whom the motion for the rule in this cause was presented in chambers had the same power. In this respect, therefore, the rule is regular.

Under article 781 of the C. C. P., a person can only be condemned to coercive imprisonment after having received personal notice of the application. This application must be made by special rule, which must be served upon the party liable to be imprisoned personally; but it is not necessary to give notice of the motion for the rule. Rule 55 of the rules of practice, which decides this point, says, "that no motion can be "received or heard unless previous notice "thereof, of at least one day be given to the "adverse party, *excepting the motions where-* "*upon side-bar rules may be obtained.*" The party liable to be imprisoned must have personal notice of the application, but the law does not require that he should be notified twice. No notice of the motion for the rule was necessary, and therefore in this respect also the rule is regular.

But I have now to deal with a serious objection to the rule. Where the contempt complained of consists of improper behavior towards the Court, the imprisonment imposed is a punishment; but where it consists of neglect to pay a judgment for a debt which by its nature subjects the debtor to imprisonment, or of obstruction to the seizure or sale of property in execution of a judgment, the imprisonment is a means to coerce the judgment debtor to pay the condemnation, and thence it is called coercive imprisonment. In the latter case the judgment ordering the imprisonment must consequently specify the debt to be paid; and the rule which, on being declared absolute, forms the basis of the judgment, must also mention the amount of the debt in principal, interest and costs, as the debtor has every interest to see that only the amount really due by him be entered in the judgment and in the writ under which he may be arrested and imprisoned. Article 782 of the C. C. P. provides that the debtor shall be imprisoned until he satisfies the judgment by which he was condemned to pay his debt; and article 793 provides that he may obtain his discharge by paying, into the hands of the sheriff or of the prothonotary, the amount of the condemnation, in principal, interest and costs. The rule in the present case asks that the defendant be held in contempt of court for having obstructed and hindered the sale of his effects and that he be imprisoned therefor, but it does not specify the amount which he is to be thus coerced to pay. It is defective as the basis of a judgment ordering the coercive imprisonment of the defendant; and it is therefore insufficient, irregular and illegal, and must be dismissed.

The judgment will be recorded as follows:—

"The Court after having heard the parties upon the rule issued in this cause, praying that the defendant be held in contempt of court, for having prevented the sale of the moveable property seized in this cause, and praying that he be imprisoned therefor, and upon the answers thereto;

"Considering that all the reasons given for the dismissal of the said rule are insufficient, except the fifth one;

"Considering that coercive imprisonment can only be ordered against a person in contempt of court by reason of his resistance to the sale of goods seized in satisfaction of a judgment until he satisfies the judgment, and that the amount so to be paid should be specified in the rule;

"Seeing that in the present case the rule does not specify the amount so due, and does not ask that the defendant be imprisoned till he pays the same, but asks that he be imprisoned generally and without term for his contempt;

"Doth dismiss the said rule with costs, &c."

Rule dismissed.

C. P. Roney, for plaintiff.

J. M. McDougall, for defendant.

COUR DE CIRCUIT.

MALBAIE, 3 sept. 1882.

Coram ROUTHIER, J.

LEVESQUE v. MOUSSIN.

Saisie-arrêt—Taxation des frais—Imputation—Contestation de la saisie-arrêt.

JUGÉ:—1. *Qu'une saisie-arrêt après jugement ne peut émaner avant que les frais aient été taxés; que des à-comptes donnés après le jugement mais, avant la saisie, quand les frais n'ont pas été taxés, et plus que suffisants pour payer les frais, doivent s'imputer seulement sur le capital et les intérêts, en vertu de la règle: que l'imputation n'a pas lieu sur ce qui n'est pas clair et liquide, à moins qu'il ne fût prouvé d'une manière très certaine que les frais ont été payés et que le montant en a été accepté.*

2. *Que c'est à la partie qui prétend que les frais ont été taxés, à le prouver, et que cette preuve se fait par la production du mémoire ou par le plumitif, et que le fait qu'il est dit dans le bref de saisie que les frais ont été taxés ne fait point preuve.*

3. *Que la saisie-arrêt après jugement peut être contestée comme une action sans qu'il soit nécessaire de recourir à l'opposition.*

J. S. Perrault, proc. du demandeur.
Charles Angers, proc. de la défenderesse.

Autorités citées par la défenderesse: C. de proc. 614 et 615; 3 L. C. J. 95; 1 Q. L. R. 222; *Audet* v. *Asselin, & Asselin*, 15 L. C. R 272; *Langevin* v. *Martin*, 3 R. L. 447; 6 Q. L. R. p. 69, Rev.

Quant à l'imputation: Laromb. Oblig. vol. 3 p. 420, No. 3. Domat, Lois Civ., Liv. 4, tit. 1 S. 4. Pothier, oblig. No. 571.

(C. A.)

COUR DE CIRCUIT.

MALBAIE, 4 sept. 1882.

Coram ROUTHIER, J.

BOUCHARD v. MORISSON ET AL., & MALTAIS, Tiers-saisi, & MORISSON et al., contestants.

Saisie-arrêt avant jugement—Contestation—Juridiction.

JUGÉ:—1. *Qu'on peut contester par exception à la forme, la vérité des allégations de l'affidavit pour obtenir une saisie-arrêt avant jugement, ainsi que les informalités de tel affidavit;*

2. *Que s'il y a plusieurs défendeurs résidant la même juridiction, on peut les assigner légalement dans le district où l'un d'eux l'a été personnellement, et où la cause d'action n'a point pris naissance, et où ils ne sont point domiciliés.*

J. A. Martin, proc. du demandeur.
Charles Angers, proc. des défendeurs.

(C. A.)

COUR D'APPEL DE DOUAI.

4 mai 1887.

Présidence de M. MAZEAUD, prem. président.

W. v. T.

Responsabilité—Adultère—Complice de la femme—Mari—Enfants—Dommages-intérêts.

1. *Le complice de la femme adultère peut être condamné à des dommages-intérêts envers le mari, lorsqu'il en résulte un dommage pour ce dernier.*

2. *Il est également responsable vis-à-vis des enfants, des événements qui ont suivi, notamment du divorce, et est passible envers eux de dommages-intérêts pour le préjudice matériel et moral qui en a été pour eux la conséquence.*

Le sieur W...., ayant été surpris en flagrant délit d'adultère avec la femme T...., fut condamné correctionnellement à 15 jours d'emprisonnement. Le sieur T...., postérieurement, et à raison de ce fait d'adultère, fut admis au divorce par jugement du Tribunal civil de Béthune en date du 25 juin 1885. Le 9 avril 1885, il actionna W...., en responsabilité civile, et lui réclama des dommages-intérêts, tant en son nom et pour son propre compte, qu'au nom et pour le compte de ses trois enfants.

Par jugement du 3 décembre 1885, le Tribunal civil de Béthune fit droit à sa demande dans les termes suivants:

"Attendu que le complice de la femme adultère peut être condamnée à des dommages-intérêts envers le mari lorsqu'il résulte un dommage pour ce dernier; que le prin-

cipe de la responsabilité n'est, du reste, pas contesté ;

" Attendu que les éléments de la cause permettent au Tribunal de fixer ces dommages à la somme de 1,200 fr. ;

" Attendu que tout fait quelconque de l'homme qui cause à autrui un dommage oblige celui par la faute duquel il est arrivé à le réparer ; que W ...., en abusant de la confiance qu'il inspirait à T...., et en détournant leur mère de ses devoirs, se trouve responsable vis-à-vis des enfants, des événements qui ont suivi et de leur conséquence dommageable ; que ce préjudice résultant de l'abandon où ils se trouveront désormais, de la perte d'affections maternelles, du fait du mariage de la mère et de la naissance d'un enfant, peut être évalué à 1,000 fr. pour chacun des enfants ; qu'il y a lieu d'ordonner le placement de cette somme en rentes de 3 p. c. sur l'Etat français.

" Par ces motifs,

" Condamne le sieur W... à payer à T... une somme de 1,200 fr. à titre de dommages-intérêts pour les causes susénoncées, et à chacun des trois enfants de T.... celle de 1,000 fr. ;

" Dit que la somme due à chacun des enfants sera placée en rente 3 p. c. sur l'Etat français jusqu'à leur majorité."

Appel de ce jugement a été interjeté par W....—Arrêt :

LA COUR,

Adoptant les motifs des premiers juges,

Confirme.

NOTE.—La jurisprudence n'a jamais hésité à reconnaître que le complice de la femme adultère peut être condamné à des dommages-intérêts envers le mari, lorsqu'il est constant en fait, qu'il est de ce délit résulté pour ce dernier un dommage. V. en ce sens : Poitiers, 4 février 1837 (S. 37.2.374) ; Paris, 8 juin 1837 (S. 37.2.293) ; Cass., 22 septembre 1837 (S. 38.1.331) ; Toulouse, 29 juin 1864 (S. 64.2.155—J. du P. 64.858—D. 64.2.174) ; Aix, 7 juin 1882 (Gaz. Pal. Coll. anc., t. IV. 2.432). *Sic :* Vatimesnil. Encyclopédie du droit, vo. Adultère, No. 57 ; Chauveau et Hélie, Théorie du C. pén., 5me édition, t. IV, No. 1664. Mais c'est la première fois, croyons-nous, qu'une Cour d'appel est appelée, dans l'espèce ci-dessus, à se prononcer sur une demande de dommages-intérêts au profit des enfants, issus du mariage de la femme coupable.—*Gaz. du Pal.*

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, July 16.

Judicial Abandonments.

Beuthner Bros., merchants, Montreal, July 7.

Jean Marie Duval, farmer and trader, St. Antonin, July 4.

Andrew Fortune, book and shoe-dealer, Huntingdon, July 7.

Jean-Baptiste Phénix, St. Théodore d'Acton, July 12.

Curators appointed.

Re Damase Caron, St. Ours.—Kent & Turcotte, Montreal, curator, July 14.

Re Damase Caron & Fils, St. Ours.—Kent & Turcotte, Montreal, curator, July 14.

Re L. Philippe Gagnon, St. Roch des Aulnaies.—H. A. Bedard, Quebec, curator, July 12.

Re Edward C. Hughes.—Henry Ward and Alex. Gowdey, Montreal, curators, July 5.

Re G. E. Morasse.—A. A. Taillon, Sorel, curator, June 28.

Re Antoine St. Jean, St. Timothé.—Kent & Turcotte, Montreal, curator, July 11.

Dividends.

Re A. T. Constantin & Co.—Second dividend, payable July 25, H. A. Bedard, Quebec, curator.

Re Copland & McLaren.—First dividend, payable Aug. 3, A. W. Stevenson, Montreal, curator.

Re Hubert Pronovost, St. Félicien.—First and final dividend, payable July 28, H. A. Bédard, Quebec, curator.

Re H. D. Somerville, Huntingdon.—First and final dividend, payable Aug 4, W. S. Maclaren and S. Boyd, Huntingdon, joint curator.

Separation as to property.

Aurélie Laforce vs. Roger Dandurand, hotelkeeper, Montreal, July 13.

BAR EXAMINATIONS.

The following is a list of those who have been admitted to the practice and study of law at the recent examinations held at Sherbrooke ;—

Admitted to practice—Messrs. A. B. Major, Auguste Beaudry, H. A. Beauregard, Ludovic Brunet, C. A. Edge, L. P. Berard, R. L. Murchison, Philippe Dorval, H. J. Cloran, G. A. Alain, Forget, Ant. Taschereau, Philippe Jolicœur, L. E. Pelissier, Ovide Robillard, Adelard Turgeon.

Admitted to study—Messrs. R. Lemieux, N. R. Laflamme, Michael Fearn, L. H. R. Boudreau, S. W. Mack, C. L. Cédras, L. G. E. Fiset, J. W. Pagnuelo, A. Trudel, Adolphe Rivard, F. Jasmin, DeMartigny, R. G. Gosselin, I. W. Poitras, H. Pelletier, Jos. Boisseau.