The Legal News.

VOL. VIII. NOVEMBER 7, 1885. No. 45.

The decision of Mr. Justice Taschereau in the case of *La Municipalité du Village du Mile End* v. *La Cité de Montréal*, noted on p. 337, was unanimously affirmed on the 4th instant in Review, by Justices Torrance, Mathieu and Mousseau.

The Duke of Marlborough has written a letter to the *Times*, abusing the system of land transfer in England, and abusing still more the lawyers, on whom he places the responsibility of existing evils. The letter shows that a Duke does not figure in a less ridiculous light than other people when he ventures upon unknown ground. It may be remarked that a series of letters upon the same subject has been addressed to the *Times* by Mr. Horace Davey, and in these letters that eminent counsel advocates a reform of the land laws which would introduce a system of registration very much like that which has for some years existed in the Province of Quebec. Mr. Davey proposes the adoption of the numbering on the tithe maps. The *Law Journal* prefers the six-inch Ordnance Survey Map, which it says is an accurate production, and quite large enough for rural districts.

A person who hissed a singer in a theatre at Lyons, France, was arrested recently, but on appeal he was discharged, the Court holding that he had as much right to express his disapprobation of a performance as others had to express their approval. So, too, it has been held by the Courts in England. In *Clifford* v. *Brandon*, 2 Camp. 358, Lord Mansfield observed:—"The audience have certainly a right to express, by applause or hisses, the sensations which naturally present themselves at the moment, and nobody has ever hindered or would ever question the exercise of that right." It is otherwise where a conspiracy exists to hiss an actor. In *Gregory* v. *Brunswick*, 1 C. & K. 24, Tindal, C.J., observed:—"There is no doubt that the public who go to a theatre have the right to express their free and unbiassed opinion of the merits of the performers who appear upon the stage. At the same time parties have no right to go to a theatre by a preconcerted plan to make such a noise that an actor, without any judgment being formed on his performance, should be driven from the stage by such a scheme probably concocted for an unworthy purpose."

Some landlords will, no doubt, suffer considerably from the epidemic in connection with a certain class of property. And besides loss of rent, the most desirable tenants will next spring not be anxious to go into premises where a loathsome disease has prevailed, whatever the efficacy of the disinfecting process may be. It may be well if their own interest prompts landlords to refuse to lease their property in future to any family which cannot produce a certificate of vaccination. This would go a long way to nullify the pernicious teachings of the anti-vaccinationists, whose fatal influence in Montreal has destroyed three thousand lives, chiefly of innocent and irresponsible children, and cost the citizens many millions of dollars.

## *COURT OF QUEEN'S BENCH—MONTREAL.**

*Motion to quash appeal—Acquiescence—Art. 1130 C. C. P.—Effect of acquiescence of one defendant on his co-defendant.*

HELD:—1. That a letter written by one of the defendants in an hypothecary action to the plaintiff's attorneys after the rendering of the judgment, which condemned them as joint undivided owners of an immoveable to abandon it or pay the plaintiff's claim, and before the institution of the appeal, asking for delay until said defendant could get his *garans* to pay the claim, and promising to settle with the plaintiff if the *garans* did not, constituted an acquiescence in the judgment *a quo* on the part of said defendant, and that his appeal would be dismissed on motion.

*To appear in full in Montreal Law Reports, 1 Q.B

2. That the other defendant was not bound by this acquiescence as it did not appear that any partnership existed between him and his co-defendant (beyond the joint ownership of the immoveable in question), or that he had authorized the writing of the said letter. —*Dickson et al. & Galt*, Dorion, C.J., Monk, Ramsay, Cross, JJ., Sept. 24, 1885.

*Servitude de passage—Aggravation—Changement de destination—Art.* 558 *C. C.*

Le propriétaire d'un fonds en culture en vendant deux lots détachés de ce fonds, avait établi une servitude de passage à pied et en voiture en faveur de ces lots sur une autre partie du dit fonds, avec stipulation portant que les barrières fussent tenues fermées. Sur l'un des lots ainsi cédés une raffinerie d'huile de charbon, et sur l'autre un abattoir, furent subséquemment érigés, et pour l'exploitation de ces deux industries les propriétaires des fonds dominants firent passer journellement un grand nombre de bestiaux et voitures par le dit passage, de telle sorte que les barrières étaient toujours ouvertes :—

JUGÉ :—(Ramsay and Cross, JJ., *diss.*)—Que dans les circonstances il y avait aggravation de la servitude aux termes de l'art. 558 C.C., et que le propriétaire du fonds servant était bien fondé à demander des dommages pour l'abus du droit de passage, et une défense pour l'avenir de s'en servir pour l'exploitation des dites industries.—*McMillan & Hedge ;* et *Dominion Abattoir Co. & Hedge*, Dorion, J.C., Ramsay, Tessier, Cross, Baby, JJ., 20 mai 1885.

*Privilége du constructeur—C.C.* 2013.

JUGÉ :—1o. Qu'en vertu de l'art. 2013 du Code Civil, le constructeur qui a observé les formalités requises par cet article n'a de privilége que sur le plus-value donnée à l'héritage par les constructions qu'il yafaites, e t qu'il n'a aucun privilége ou hypothèque sur le fonds même de l'héritage.

2o. Que l'enregistrement du procès-verbal par l'art. 2013 C.C. pour la préservation du dit privilége, ne crée pas sur l'immeuble une hypothèque tacite en faveur du constructeur. —*La Corp. du Séminaire de St-Hyacinthe d' Yamaska & La Banque de St-Hyacinthe*, Dorion, J.C., Ramsay, Cross, Baby, JJ. (Tessier, J. diss.), 25 septembre 1885.

*Expropriation—Riparian proprietor—River frontage—Valuation—Servitude.*

HELD :—1. That a proprietor whose land extends to the beach of the River St. Lawrence, within the limits of the Harbour of Montreal, has not such a distinct and independent right of easement or servitude in the river frontage as is susceptible of being valued separately and apart from the compensation awarded for the property itself when the latter is expropriated for public purposes. The inconvenience of being excluded from easy access to the river is merely an element to be considered by the arbitrators when estimating the indemnity to be awarded for the property expropriated.

2. That even if the riparian proprietor expropriated possessed such easement or servitude, the functions of the arbitrators would not extend to the valuation of such right, unless it were included in the notice or demand of expropriation.—*Starnes & Molson*, Dorion, C.J., Monk, Tessier, Cross, Baby, JJ., May 26, 1885.

*B.N.A. Act, sec.* 91, *no.* 27 ; *sec.* 92, *no.* 8—*Local Jurisdiction—Municipal Institutions—Nuisance—Chimney sending out smoke in hurtful quantity.*

HELD :—That while the local legislatures have no jurisdiction to deal with an indictable misdemeanor, that being a matter of criminal law assigned exclusively to the Parliament of Canada,—they have authority to legislate for the prohibition of things hurtful to public health not matter for indictment at common law, such as factory chimneys "sending forth smoke in such quantity as "to be a nuisance." The local legislatures possess this power as coming under "municipal institutions," under B.N.A. Act, s. 92, no. 8 ; and the fact that a term of the criminal law ("nuisance") is used in a local Act to characterize an offence within the jurisdiction of the local legislature does not make the enactment *ultra vires* so long as the offence is not *per se* an indictable offence under the criminal law. — *Pillow & City of Montreal*, Dorion, J.C., Ramsay, Cross, Baby, JJ., Jan. 28, 1885.

*Servitude—Destination by proprietor—Extent of servitude—C.C. 545, 551.*

HELD:—1. As regards servitudes, the destination made by the proprietor is equivalent to a title, only when it is in writing, and the nature, the extent and the situation of the servitude are specified. C.C. 551.

2. The use and extent of a servitude are determined according to the title which constitutes it; so, where E. acquired four houses "with the servitude of hidden drains under-"neath the yards," and it appeared that a drain had been constructed to conduct the sewage of the four houses in question as well as of the adjoining corner house, to the street drain, it was held that the deed did not give any right of servitude in the portion of the drain under the yard of the adjoining corner house, this not being mentioned in the deed, and not being included in the description given therein. — *Fisher & Evans*, Dorion, C.J., Monk, Ramsay, Cross, Baby, JJ., September 25, 1885.

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## *THE RIEL CASE.*

A special sitting of the Judicial Committee of the Privy Council was held on the 21st of October to hear the argument on the petition for special leave to appeal from the decision of the Court of Queen's Bench for the Province of Manitoba, presented on behalf of Louis Riel, the leader of the late rebellion in Canada. Their Lordships present were the Lord Chancellor (Lord Halsbury), Lord Fitzgerald, Lord Monkswell, Lord Hobhouse, Lord Esher (the Master of the Rolls), and Sir Barnes Peacock.

The petitioner was represented by Mr. Bigham, Q.C., Mr. Jeune, and Mr. Fitzpatrick (of the Canadian Bar); the Attorney-General, Mr. R. S. Wright, and Mr. Danckwerts appeared for the Crown; and Mr. Burbridge, Q.C., the Canadian Deputy Minister of Justice, appeared for the Canadian Government.

It may be remarked that the petition came on to be heard on Tuesday, the 13th ult., but on the application of the petitioner's counsel, their Lordships consented to an adjournment till the 21st, the hearing of the petition to be then peremptorily proceeded with.

Mr. Bigham, Q.C., in opening the petition, stated that Louis Riel had been sentenced to death at Regina, in the Northwest Territories of Canada, and that sentence had been confirmed on appeal by the Court of Queen's Bench for the Province of Manitoba. The petition asked for leave to appeal against that decision, and the substantial ground on which the application was based was—that the stipendiary magistrate and the justice of the peace who condemned the prisoner to death had no jurisdiction to try the petitioner at the original trial. The petitioner had been tried for the crime of treason, and found guilty upon evidence which was not questioned in the court of first instance, and, therefore, it was to be assumed that, if the petitioner were responsible for his actions, as to which there appeared to be some doubt, he was guilty of the crime with which he was charged. The substantial defence in the court of first instance, and insisted upon in the Court of Queen's Bench, was that he was not responsible for his actions; but the Court of Queen's Bench, which undoubtedly had power to hear the appeal, came to the conclusion that the verdict on the question of sanity or insanity was abundantly supported by the evidence. The question which it was desired to have determined in solemn argument was, whether the court of first instance had jurisdiction to try the petitioner in the way they did; and to arrive at what their jurisdiction was, it was necessary to examine the legislation which had taken place on the subject. The learned counsel then proceeded to refer to the various acts of Parliament under which the legislative bodies, both of the Dominion and the various provinces of Canada, had been constituted. By the British North America Act of 1871 the Northwest Territories became a part of the Dominion of Canada, and, acting under the provisions of that statute, the Dominion Parliament had passed the Northwest Territories Act of 1880, under which Act the petitioner had been tried. The question for argument would be whether, under the words of section 4 of the British North America Act of 1871, which gave the Dominion Parliament power to legislate for the due administration and the peace, order and good government

of Her Majesty's subjects in the Northwest Territories, the Dominion Parliament could pass such an act as the Northwest Territories Act of 1880, giving power to try for treason, and in various ways altering the statutory rights of a man put upon his trial for that crime. For instance, it provided that he should be tried before two magistrates—one a stipendiary magistrate and the other a justice of the peace—and a jury of six persons, instead of by a judge and a jury of twelve; and it also limited his right of challenging jurors to six instead of thirty-five, as under the Act of William III. The contention would be that it was not competent for the Dominion Parliament, under the words of the Act of 1871, to make a law which took away from a criminal charged with treason, which was a crime against the State, the right to be tried by a jury of twelve men, whose verdict must be unanimous. The Dominion Parliament was itself the creature of statute, and it could do nothing more than the Imperial Legislature had authorized it to do; and the question was whether an Act of Parliament, which took away the right of a man to be tried in the way in which the law of the land said he should be tried, was an Act of Parliament necessary to secure either the due administration, the peace, the order, or the good government of the Territory.

The Lord Chancellor said it might be passed for the purpose, although it might not serve its end. It was not every Act of Parliament that did serve its end.

Mr. Bigham said it might be a provision intended for the purpose.

The Lord Chancellor asked whether that was not really the meaning of the words—made for the due administration?

Lord Monkswell said that the words administration, peace, order and good government necessarily implied the enforcement of the criminal law.

Mr. Bigham said that Parliament did not purport to create any new offence, or to alter the definition of treason in any way. All that it purported to do was to provide a method by which a person charged with the crime could be tried; and a different method from that under which he was previously entitled to be tried, limiting the safeguards and the rights which he previously had.

Sir Barnes Peacock enquired whether it was necessary for good government that persons should be tried for crimes and offences?

Mr. Bigham—Certainly; but is it necessary for good government that a man should be tried by six jurors instead of by twelve?

Lord Hobhouse said that might be very desirable in a thinly peopled country. It was the case in India, and the Legislature were to judge of that.

Lord Esher enquired whether the word provision in the section included a statute.

Mr. Bigham—Certainly.

Lord Esher—Then they might pass an act for the peace, order and good government of the province. How could those words be limited?

Mr. Bigham said he should contend that unless the statute passed under the powers of section 4 of the Act of 1871 was necessary, or at all events conducive to the purposes referred to in that section, it was *ultra vires*.

Lord Esher pointed out that the word "necessary" was not in the section nor anything equivalent to it. The argument came to this, that although the statute was made with the intent and for the purpose of peace, order, and good government, yet it was *ultra vires* if the Privy Council thought it was not necessary.

Mr. Bigham—Or did not serve the purpose

Sir Barnes Peacock pointed out that the same words occurred in the Act relating to India under which the Penal Code and the Code of Criminal Procedure had been passed, and if they had the effect contended for no trial could take place in India. Every man who was convicted in India would have the same right to appeal from a sentence of death or transportation.

Mr. Bigham said he could only put the point as he understood it and as he believed it was put before the court below, that it could never have been intended that the Dominion Parliament should legislate with reference to a crime which affected the State in the way that treason did. The learned counsel then stated that he proposed to pass over the second and third points taken in the petition and deal with the fourth, which,

though technical, was one with which he ought to deal. It was that "The evidence at trial was not taken down by the stipendiary magistrate or by him caused to be taken down in writing as directed by the statute in that behalf." By sub-section 7 of section 76 of the Northwest Territories Act of 1880, it was provided that:—"The stipendiary magistrate shall on any such trial take or cause to be taken down in writing full notes of the evidence and other proceedings thereat." What had happened was that the magistrate had directed a shorthand writer to take a note of the evidence, and the question was whether a magistrate who had the proceedings taken down in that way could be said to have caused notes of the evidence and the other proceedings to have been taken in writing at all. They were taken down in a form which was not legible to any one but a particular person.

The Lord Chancellor inquired if it was meant that shorthand was not writing?

Mr. Bigham supposed that was meant to be the contention.

The Lord Chancellor said that "a shorthand writer" was a familiar phrase to most of their Lordships.

Mr. Bigham said he should contend that it was not writing within the meaning of the section.

The Lord Chancellor—Then if the judge took down notes and abbreviated any words, I suppose that would vitiate his notes altogether?

Mr. Bigham—I do not think so.

Lord Hobhouse said that the argument would include taking notes in longhand which was not legible to the learned judge himself, let alone other people.

Lord Esher thought that the section was merely directory.

Mr. Bigham pointed out that the object of the evidence being taken down was that it might be transmitted to the Minister of Justice together with the report of the stipendiary magistrate. Passing from that ground he would merely read the last ground of the petition to their Lordships without comment: "The trial of your petitioners and the circumstances out of which it arose are deemed by the people of Canada to be matters of no ordinary importance; have divided the population into two opposing parties; and it is essential not only upon these grounds, but also from the fact that a large number of trials arising out of the same circumstances are being had before the same functionaries that the question raised by this petitioner should be adjudicated upon and settled."

The Lord Chancellor said that that might be an argument why the appeal should be heard and considered, but it was hardly a ground of appeal within the statute.

Mr. Bigham said it was a reason which might have some weight with their lordships why, if there was anything arguable in the points suggested, the appeal should be given. The learned counsel then proceeded to read the judgment delivered by Mr. Justice Killam in the Court of Queen's Bench, Manitoba, with a view of showing their lordships how the different points had been dealt with and disposed of in the court. In the conclusion he observed that the petitioner had been recommended to mercy, that he had been respited from time to time, and therefore no great harm would be done by allowing him to be further respited till the appeal could be heard.

The Lord Chancellor said he had expected to have heard something upon the question as to whether there was any appeal in a criminal case. Was there any authority for that?

Mr. Bigham cited the case of *Attorney General for New South Wales* v. *Bertrand* (1 Privy Council Appeals, p. 520).

The Lord Chancellor pointed out that that case turned upon the provisions of a particular statute giving in express terms an appeal.

Lord Monkswell said that their lordships had stated on one or two occasions that they had jurisdiction to entertain a criminal appeal; but, as a rule, they never did, except under very special circumstances, and then they never went into the merits and reversed the judgment below upon the merits.

Lord Hobhouse said that whenever an appeal had been allowed it had been upon the ground that justice had not been done owing to some error in procedure.

Lord Monkswell said that if the petitioner

had been tried without a jury at all that would have been a ground for appeal, but if the Privy Council sat as a Court of Criminal Appeal from the Colonies it would have to be multiplied tenfold. Every man convicted of any crime or sentenced to death in any colony would appeal as a matter of course, and be respited till the appeal was heard.

The Attorney-General pointed out that an appeal had been entertained from Canada in the case of *The Queen* v. *Coote* (L. R. 4 Privy Council, p. 599), but that case did not apply to the Northwest Territory.

Mr. Bigham said that in Bertrand's case it was laid down that it was the inherent prerogative right of the Privy Council to exercise an appellate jurisdiction.

The Lord Chancellor said the only question was whether Her Majesty had parted with the power. She might have parted with it by giving an absolute and final court, and therefore delegating her power to that court, or by express words have reserved the right to herself, as in the case of civil cases from Canada.

Lord Fitzgerald pointed out that there was nothing in the Act of 1880 making the decision of the Court of Queen's Bench of Manitoba final. There was only a limited appeal to that court, and therefore the inference from the act rather was that the larger right of appeal to the Queen in Council had not been abandoned.

Mr. Bigham submitted that on the authorities there was a right to allow the appeal if the circumstances were such as to justify it.

Counsel were then directed to withdraw, and their lordships deliberated for some time.

Upon the re-admission of the public, the Lord Chancellor said—Their Lordships do not think it necessary to call upon the Attorney-General. The reasons for the judgment will be delivered to-morrow morning at half-past eleven.

Oct. 22.—The Lord Chancellor delivered the following judgment:—This is the petition of Louis Riel, who was tried on the 20th of July last at Regina, in the Northwest Territory of Canada, and convicted of high treason, and sentenced to death, for leave to appeal against that conviction. It is the general rule of this committee not to grant leave to appeal in criminal cases, except where some clear departure from the requirements of justice is alleged to have taken place. Whether in this case the prerogative to grant an appeal in criminal cases still exists, their lordships, not having heard that question argued, desire neither to affirm nor to deny; but they are clearly of opinion that, in this case, leave should not be given. The petitioner was tried under the provisions of an Act passed by the Canadian Legislature, providing for the administration of criminal justice in those portions of the Northwest Territory of Canada, in which the offence charged against the petitioner is alleged to have been committed. No question has been raised that the facts, as alleged, were not proved to have taken place, nor was it denied before the original tribunal, or before the Court of Appeal in Manitoba, that the acts attributed to the petitioner amounted to the crime of high treason.

The defence upon the facts sought to be established before the jury was that the petitioner was not responsible for his acts by reason of mental infirmity. The jury, before whom the petitioner was tried, negatived that defence, and no argument has been presented to their lordships directed to show that that finding was otherwise than correct. Of the objections apparent on the face of the petition for appeal, two points only seem to be capable of plausible, or even intelligible, expression, and they have been argued before their lordships with as much force as was possible, and, in their lordships' opinion, as fully and completely as could have been done if leave to appeal had been granted. They have also been dealt with by the judgment of the Court of Appeal in Manitoba with a patience, learning and ability that leave very little to be said upon them.

The first point is that the act itself under which the petitioner was tried was *ultra vires* the Dominion Parliament to enact. That Parliament derived its authority for the passing of the statute from the Imperial Statute, 34 and 35 Vict., cap. 28, which enacts that "the Parliament of Canada may from time to time make provision for the administration, peace, order and good government of any territory not for the time being included

in any province." It is not denied that the place in question was one in respect of which the Parliament of Canada was authorized to make such provisions, but it appears to be suggested that any provisions differing from the provisions which in this country have been made for administration, peace, order and good government, cannot, as matter of law, be provisions for peace, order and good government in the territory to which the statute relates; and, further, that if a court of law should come to the conclusion that a particular enactment was not calculated as a matter of fact and policy to secure peace, order and good government, they would be entitled to regard any statute directed to those objects, but which the court might think likely to fail of that effect, as *ultra vires* and beyond the competency of the Dominion Parliament to enact. Their lordships are of opinion that there is not the least color for such a contention. The words of the statute are sufficient to authorize the utmost discretion of enactment for the attainment of the objects pointed to. They are words under which the widest departure from criminal procedure, as it is known and practised in this country, has been authorized in Her Majesty's Indian Empire. Forms of procedure unknown to the English common law have there been established and acted upon, and to throw the least doubt upon the validity of powers conveyed by those words would be of widely mischievous consequence. Upon the construction of the Canadian Statute, 43 Vic., cap. 25, there was, indeed, a contention that high treason was not included in the words "any other crimes," but it is too clear for argument, even without the assistance afforded by the tenth section, that the Dominion Legislature did contemplate the commission of high treason as within the orbit of the jurisdiction they were creating. The second point suggested assumes the validity of the act, but is founded on the assumption that the act itself had not been complied with. By the 7th sub-section of the 76th section it is provided that "the magistrate shall take, or cause to be taken, in writing, notes of the evidence and other proceedings thereat;" and it is suggested that this provision has not been complied with, because, though no complaint is made of inaccuracy or mistake, it is stated that the notes were taken by a shorthand writer under the authority of the magistrate and by a subsequent process extended into ordinary writing intelligible to all. Their lordships desire to express no opinion as to what would have been the effect if the provision of the statute had not been complied with, because it is unnecessary to consider whether the provision is directory only, or whether the failure to comply with it would be ground for error, inasmuch as they are of opinion that the taking full notes of the evidence in shorthand was a causing to be taken in writing full notes of the evidence, and, therefore, a literal compliance with the statute. Their lordships will, therefore, humbly advise Her Majesty that leave should not be granted to prosecute this appeal, and that this petition should be dismissed.

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## *QUEEN'S COUNSEL.*

The following barristers have been appointed Queen's Counsel:—

*Province of Ontario.*

Ephraim Jones Parke, Toronto. James Henry Morris, Toronto. Edward Martin, Hamilton. Charles Richard Atkinson, Chatham. Samuel Hume Blake, Toronto. Alexander Bruce, Hamilton. William Douglas, Chatham. William Nicholas Miller, Toronto. William Alexander Foster, Toronto. James Fox Smith, Toronto. James Peter Woods, Stratford. John Wesley Beynon, Brampton. Hugh McMahon, Toronto. John Idington, Stratford. William Laidlaw, Toronto. William Albert Reeve, Toronto. Robert Cassels, Ottawa. Donald Guthrie, Guelph. James Harshaw Fraser, London. Henry Becher, London. Edmund Meredith, London. Alexander James Christie, Ottawa. Colin Macdougall, St. Thomas. Henry Hatton Strathy Barrie. James Thompson Garrow, Goderich. James Holmes Macdonald, Toronto. Edward Handley Smythe, Kingston. William Glenholme Falconbridge, Toronto. James Masson, Owen Sound. Alfred Passmore Poussette, Peterborough. Charles Henry Ritchie, Toronto. Charles Oakes Zaccheus Ermatinger, St. Thomas.

*Province of Manitoba.*

The Hon. Charles Edward Hamilton, Winnipeg. Nathaniel Francis Hagel, Winnipeg.

*North-West Territories.*

David Lynch Scott, Regina.

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## *REVISING OFFICERS.*

The following gentlemen have been appointed, under the provisions of the 13th Section of "The Electoral Franchise Act," to be revising officers in and for the electoral districts of the Province of Quebec, named below:—

1. Argenteuil, George Edwin Bampton, Advocate.
2. Bagot, Hubert Lippé, Notary.
3. Beauce, A. Pacaud, Advocate.
4. Beauharnois, Louis Gervais, Notary.
5. Bellechasse, Edouard M. Mackenzie, Notary.
6. Berthier, Pierre Tellier, Notary.
7. Bonaventure, Gordian F. Maguire, Advocate.
8. Brome, J. M. Lefebvre, Notary.
9. Chambly, Pierre Brais, Notary.
10. Champlain, David Tancrede Trudel, Notary.
11. Charlevoix, Morille Bouchard, Advocate.
12. Chateauguay, L. J. Derome, Notary.
13. Chicoutimi and Saguenay, A. R. Hudon, Advocate; Francis H. O'Brien, Advocate.
14. Compton, J. J. Mackay, Notary.
15. Dorchester, J. B. E. Fortier, Notary.
16. Drummond and Arthabaska, Edward John Hemming, Advocate; Louis Napoleon Des Rosies D'Argy, Notary.
17. Gaspé, Joseph X. Lavoie, Advocate.
18. Hochelaga, Jean Joseph Beauchamp, Advocate.
19. Huntingdon, John K. Elliott, Advocate.
20. Iberville, Charles Loupret, Advocate.
21. Jacques-Cartier, Leon Forest, Notary.
22. Joliette, Ernest Cimon, Judge Superior Court.
23. Kamouraska, Paschal V. Taché, Advocate.
24. Laprairie, L. A. Laberge, Notary.
25. L'Assomption, Pierre Blouin, Notary.
26. Laval, Adelard Edouard Leonard, Notary.
27. Lévis, F. X. Couillard, Notary.
28. L'Islet, I. T. Lavry, Advocate.
29. Lotbinière, Louis LeMay, Notary.
30. Maskinongé, Louis Edouard Gallipeault, Notary.
31. Mégantic, A. Schambier, Notary.
32. Missisquoi, George C. V. Buchanan, Judge Superior Court.
33. Montcalm, Joseph Laporte, Notary.
34. Montmagny, Hubert Hebert, Notary.
35. Montmorency, J. A. Charlebois, Notary.
36. Montreal West, John S. Archibald, Advocate.
37. Montreal East, Michel Mathieu, Judge Superior Court.
38. Montreal Centre, Henry John Kavanagh, Advocate.
39. Napierville, Charles Bedard, Notary.
40. Nicolet, Honoré Tourigny, Notary.
41. Ottawa, G. L. Dumouchel, Notary.
42. Pontiac, J. T. St. Julien, Advocate.
43. Portneuf, J. E. Lacoursière, Notary.
44. Quebec East. H. Adjutor Turcotte, Advocate.
45. Quebec Centre, J. Winceslas LaRue, Notary.
46. Quebec West, Laurence Stafford, Advocate.
47. Quebec County, Jules LaRue, Advocate.
48. Richmond and Wolfe, Hon. W. H. Webb, Advocate; F. A. Brien, Notary.
49. Richelieu, C. Gill, Judge Superior Court.
50. Rimouski, J. A. Mousseau, Judge Superior Court.
51. Rouville, Césaire Papin, Notary.
52. St. Hyacinthe, Antoine Olivier T. Beauchemin, Advocate.
53. St. John's, A. N. Charland, Advocate.
54. St. Maurice, Jules Milot, Notary.
55. Shefford, Joseph Lefebvre, Notary.
56. Sherbrooke, Edward T. Brooks, Judge Superior Court.
57. Soulanges, Antoine M. Pharand, Notary.
58. Stanstead, J. B. Gendreau, Notary.
59. Temiscouata, Benjamin Dionne, Advocate.
60. Terrebonne, Bruno Nantel, Advocate.
61. Three Rivers, L. P. Guillet, Advocate.
62. Two Mountains, Antoine Fortier, Notary.
63. Vaudreuil, Francois DeCelles } Notary. Octave Turcotte, }
64. Verchères, Adolphe Hector Bernard, Notary.
65. Yamaska, L. O. Loranger, Judge Superior Court.

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## *GENERAL NOTES.*

The decision of the House of Lords in the case of *Last* v. *The London Assurance Corporation*, 53 Law J. Rep. Q. B. 325, and 54 Law J. Rep. Q. B. 4, is one of the few cases in which an appeal to the House of Lords has not given a satisfactory result. The question was whether an assurance company ought to pay income-tax on the bonuses allowed in accordance with the terms of the policy to policy-holders. In the Divisional Court Mr. Justice Day was of opinion that the bonuses were not "profits;" but Mr. Justice Smith dissented. In the Court of Appeal the Master of the Rolls and Lord Justice Cotton agreed with Mr. Justice Day; but Lord Justice Lindley agreed with Mr. Justice Smith. In the House of Lords, Lords Blackburn and Fitzgerald agreed with Lord Justice Lindley and Mr. Justice Smith; while Lord Bramwell agreed with the Master of the Rolls, Lord Justice Cotton, and Mr. Justice Day. Counting heads, it is four to four. It would be a difficult matter to weigh them; but, at all events, to look on bonuses as part of the expenditure to attract customers, and therefore not profits, seems the business view of the situation. — *Law Journal.*

A person not in orders recently performed at a suburban church of London the ceremony of marriage. Is this valid? It appears to be so, unless both parties are cognizant of the officiating party's want of qualification. See *Reg.* v. *Millis*, 10 C. & F. 786.