The Legal News.

Vol. X. DECEMBER 17, 1887. No. 51.

Mr. Justice Tait, in the Shefford election case which will be found in the present issue, has stated very clearly the grounds upon which he rests his decision that the session ought to be counted in the six months under the election law. Mr. Justice Bourgeois, at Three Rivers, has decided that the session cannot be counted. In this view it is understood that Justices Taschereau and Davidson concur. On the other hand Mr. Justice Caron has given a judgment in the same sense as that rendered by Mr. Justice Tait.

An interesting question of club law was presented in *Gebhard* v. *The New York Club* (N. Y. Daily Reg., Nov. 15, 1887). The The Supreme Court of New York (Barrett, J.) dissolved a temporary injunction granted to the plaintiff enjoining the club from taking proceedings for his expulsion from membership. The Court observed:—"It surely needs no extended discussion to point out that the issue raised by the plaintiff's earnest denial of the charges is an appropriate one to be tried by the club itself under its constitution and by-laws. These are questions of honor between gentlemen with which the courts have primarily nothing to do. When the plaintiff became a member of this club, he agreed to its constitution, which expressly provides the code regulating such offences, the tribunal for their trial and the procedure. The board of directors is, in fact, expressly authorized to expel a member for conduct which it shall consider dangerous to the welfare, interests or character of the club. Now, surely the board may lawfully say that it considers the conduct of the plaintiff—should the charges be proved—as coming within this provision. It certainly would be dangerous to the character of any association of gentlemen to have among them a member who has secured money, however honestly earned, by dishonorable means, and who retains it, even legally, by discrediting a fellow member's word, and repudiating his own. The club, therefore, has ample jurisdiction to try the plaintiff upon these charges, while this court is entirely without jurisdiction in the specific premises. A court of equity will undoubtedly see to it that the accused member has a fair hearing, and that the club proceeds in accordance with the principles of natural justice. Thus the member is entitled to due notice of the hearing, to a statement of the charges, to hear what his accusers have to say, and to an opportunity of explanation. Unless these and still other rights, not necessary to be here specified in detail, are accorded, a court of equity will treat the proceedings and judgment as null and void. But before the club can be charged with having denied these rights, it should at least be permitted to grant them. The question of a fair hearing can only be solved when all the proceedings thereon are before us. Upon the hearing, the plaintiff can object to any particular member of the board, and if good and sufficient reasons for his challenge are furnished, the member may retire. If he remains, the reasons can subsequently be weighed when the court is asked to reinstate upon the claim that the ordinary principles of natural justice have been violated. But such reasons must be substantial. The jurors provided for in the organic law of the club are not to be lightly set aside. They are disqualified only when their sitting in judgment is, under clear and convincing facts, manifestly repugnant to those principles of justice which should govern in every inquiry however formal. So as to the denial of counsel. The president had no more authority in this matter than any other member of the board. The plaintiff, if he desired to raise this point effectively, should have appeared with his counsel before the board, at the time and place appointed for the hearing, and should then and there have claimed his privilege. He may still do so. If it is denied, the question will then be properly up for decision. I may say, however, that my impression favors the plaintiff's contention in this regard, and I should deeply regret to learn that the assistance of counsel had been denied to any man struggling against an accusation involving

not only his interests, but his honor, by a respectable and enlightened body of American gentlemen. My conclusion is that the plaintiff must exhaust his remedy within the club before appealing to the courts; that he cannot stop a proceeding of this character *in limine*, and that thus far, the club has acted strictly within its lawful jurisdiction under the constitution, to which the plaintiff (as well as all other members) has given his written assent."

The attempt to make Mrs. Langtry a citizen of the United States was beset by some difficulties. It appears from 31 Fed. Rep. 879, that Mr. Justice Field, of the U. S. Supreme Court, holding the Circuit Court at San Francisco, doubted the legality of the declaration of citizenship made by Mrs. Langtry at her hotel. He did not think the statutes gave authority for the clerk to take the records from the court, or to take a declaration anywhere but in open court. To permit the proceeding to pass without comment would establish a dangerous precedent, and gross abuses; those wishing to receive the sacred trusts of citizenship should attend at the place of the legal custody of the records. The law of 1876, 19 St. 2, c. 5, permitting the declaration to be taken before the clerk, did not authorise the clerk or deputy to remove records. Her counsel replied, that in the case of the widow of President Barrios of Guatemala, the records were taken to her hotel. Mr. Justice Field was not aware of that fact; the precedent was bad, and he suggested that Mr. Barnes inform Mrs. Langtry of the Court's doubt as to the legality of her declaration, which she could remove by repeating the declaration before the clerk at his office, or in open Court. The Court says in a note that the public journals state that Mrs. Langtry is not a *feme sole;* that her husband lives in Engand. If this be so, a wife is, by law, a citizen of her husband's country. No person can be a citizen of two countries.

SUPERIOR COURT.

SWEETSBURGH, Nov. 24, 1887.

Coram TAIT, J.

THE DENTAL ASSOCIATION OF QUEBEC v. GRAHAM.

Dental Association Act—Action for Penalty—Popular action.

HELD:—*That a suit, to recover a penalty under the Dental Association Act, is not a popular action within the meaning of Chap.* 43 *of* 27-28 *Vic., when instituted by the Association, and therefore an affidavit is unnecessary.*

PER CURIAM. The plaintiffs are incorporated by 46 Vic., cap. 34 (Q.), and section 19, as amended and replaced by Sec. 4 of the Act 49-50 Vic., cap. 36, enacts that prosecutions instituted for the recovery of any penalty imposed by the Act may be instituted and sued for in the name of the association, or by any person in his own name in the same form and under the same rules of procedure as ordinary civil actions for the recovery of debt in the Circuit or Superior Court, as the case may be, and by section 21 of said first cited Act all fines imposed by said Act are payable to the Treasurer of the Association and form part of the funds thereof.

The present action has been instituted by and in the name of plaintiffs, under said section 19, to recover penalties alleged to be due by defendant under said section, for having practised in this province as a dentist for remuneration, etc., not being licensed by the Association or registered as a member thereof.

The defendant pleads that this is a popular action within the meaning of the Act of the late Province of Canada, 27-28 Vic., cap. 43, requiring an affidavit.

The object of that statute was to prevent defendants from causing such actions (*i.e., qui tam*, or popular actions), to be instituted by friends of theirs who were in collusion with them in order to frustrate and delay such actions. But here the plaintiffs are authorized to bring and have brought the action in their own name, to recover penalties imposed for their own benefit and protection, and, although the statute says the

action may also be instituted by any person in his own name, yet when it is instituted by and in the name of the Association, I do not think it is a popular action within the meaning of the Act above cited. The circumstances seem to repel the possibility of the action having been instituted by a friend of defendant in collusion with him, when plaintiffs sue for penalties which the statute gives them as a protection against the violation of their own charter. I think, therefore, the *exception* should be dismissed.

J. P. Noyes, Q. C., for plaintiff.

T. Amyrauld, for defendant.

(J. P. N.)

SUPERIOR COURT.

BEDFORD, Nov. 25, 1887.

Before TAIT, J.

Re SHEFFORD ELECTION, GAGAILLE v. AUDET.

Dominion Controverted Elections Act—Limit of Six Months under sections 32 and 33.

HELD:—1. *That the word "trial" in section 32 of the Dominion Controverted Elections Act means a separate and distinct part of the general process, and only begins at the time fixed by the notice given under section 31.*

2. *The limit of six months within which the trial of an election petition must be commenced, according to section 32 of the above Act, is counted from the time the petition has been presented, and where no application has been made to enlarge the time for the commencement of the trial the petition will be dismissed at the expiration of the six months, although Parliament may have been in session during a portion of this period.*

PER CURIAM.—The respondent moved on the 2nd instant that the election petition in this matter be dismissed, inasmuch as it was presented on the 29th of April last, and more than six months have since elapsed and the trial has not yet been commenced.

The record shows that the petition was presented on the day mentioned, and that no application was made before the expiration of six months, or before the motion was made, either to fix a day for the trial or to have the time for its commencement enlarged.

On the 29th of April Parliament was in session, and it is admitted that six months have not elapsed since the close of the session.

The petitioner says that the six months only began to run from the end of the session, and even if this is not so, the trial was commenced within the six months from the presentation of the petition by the preliminary examination of the respondent. I have, therefore, to decide what is meant by the word "trial," and from what time the delay of six months commenced to run in this case.

Sections 32 and 33 of the Act read as follows:—

32. "The trial of every election petition shall be commenced within six months from the time when such petition has been presented, and shall be proceeded with from day to day until such trial is over; but if, at any time, it appears to the court or a judge that the respondent's presence at the trial is necessary, such trial shall not be commenced during any session of Parliament, and in the computation of any time or delay allowed for any step or proceeding in respect of any such trial, or for the commencement thereof as aforesaid, the time occupied by such session of Parliament shall not be included.

"(2) If, at the expiration of three months after such petition has been presented, the day for trial has not been fixed, any elector may, on application, be substituted for the petitioner on such terms as the court or a judge thinks just.

33. "The court or a judge may, notwithstanding anything in the next preceding section, from time to time enlarge the time for the commencement of the trial, if, on an application for that purpose, supported by affidavit, it appears to such court or judge that the requirements of justice render such enlargement necessary."

It appears to me there can be little difficulty in determining what is meant by the word "trial" as used in section 32. The Act is, as it were, divided into different parts, each dealing with separate and distinct portions of the whole process connected with the case. Sections 5 to 13 come under the heading of "Petitions," 14 to 23 under "Prelimin-

" ary Examination of Parties," 24 to 28 "Pro- " duction of Documents," and 29 to 42 under the heading of "Trial of Petitions." By section 14 any party to an election petition, whether petitioner or respondent, may, at any time after such petition is at issue, *before* or pending the trial thereof, be examined before a judge or examiner, etc. Under section 24 any party to any election petition, whether petitioner or respondent, may at any time after such petition is at issue, *before* or pending the trial thereof, obtain a rule ordering the adverse party to produce documents relating to the matters in question, etc. Section 29 provides that the clerk of the court is to keep a list of all petitions which are at issue, and that they are to be *tried* in the order in which they stand in such list. By section 31 notice of the time and place at which the election petition will be *tried* is to be given in the prescribed manner not less than fourteen days before that on which the *trial* is to take place, and by section 33 the court or judge may enlarge the time for the commencement of the *trial*, if it is shown that the requirements of justice render such enlargement necessary. So that the word "trial" in section 32 means a separate and distinct part of the general process, and only commences at the time fixed by the notice given under section 31.

In this case the preliminary examination of the respondent took place *before* the trial, under the authority of section 14, and such examination does not fall within the meaning of the word "trial" in section 32.

We have now to consider from what time the six months commence to count. Respondent contends that the time occupied by the session cannot be counted in computing this delay;—that whether the respondent's presence is or is not held to be necessary at the trial, it is all the same—the time occupied by the session is not to be included in the delay of six months. I have to try to the best of my ability to interpret the true meaning of the language used in this section.

It is evident that the dominant idea is *dispatch*, for it is most undesirable that there should be any doubt as to the right of any person to sit in Parliament unless he has been lawfully elected to represent those whom he claims to represent; hence the imperative language, the trial "*shall be commenced* within six months from the time the petition has been *presented*," and "*shall be proceeded with from day to day*" until it is over. The statute then provides that "if at any time it appears to the court or a judge that the respondent's presence at the trial is necessary, such trial shall not be commenced during any session of Parliament, because, no doubt, while on the one hand he ought not to be called away from his important duties, on the other hand it would not be just to him or to the parties to have the trial proceeded with during his absence, if his presence is really necessary. Then we have the disputed clause separated from the previous one by a semi-colon, "and in the computation of any time or delay allowed for any step or proceeding in respect of any such trial, or for the commencement thereof as aforesaid, the time occupied by *such* session of Parliament shall not be included."

It is said this is an independent clause, dealing with delays irrespective of whether the presence of respondent at the trial is necessary or not. I do not interpret it in that way. I think this clause simply states one of the results of the court or judge holding the respondent's presence at the trial necessary. The first result is that the trial shall not be commenced; the second is that the delays shall not run. The clause in my opinion should be interpreted as if it read: "And in such case (*i.e.* when respondent's presence is found necessary at the trial), the time occupied by such session of Parliament shall not be included in the computation of any delays allowed." It appears to me that the session of Parliament during which the delays are not to run is the same session during which the trial is not to be commenced because the respondent's presence is held necessary at the trial. The Act says, if such presence is held necessary the trial shall not be commenced during *any session of Parliament*, and then it says that in the computation of delays, etc., the time occupied by *such session* shall not be included.

It is evident that the trial may be commenced and may proceed during any session of Parliament if nothing is said about res-

pondent's presence or if the court or judge hold it is not necessary at the trial; why should not delays run under these circumstances during such session? If a trial should be commenced and should be proceeding during a session of Parliament (there being no question raised as to the respondent's presence at it), would not "any time or delay allowed for any step or proceeding in respect of such trial" run as if the trial was going on outside the time of the session? Suppose the court or judge gave some order upon the parties, either before or during such trial, to do something within a delay which expired while the trial was proceeding, would this not be a "delay allowed for a step or proceeding in respect of such trial," and could the party so ordered come and say, there is a session of Parliament now going on, and all delays are suspended? It seems to me he might say this if we are to hold that this clause in question is entirely independent and distinct from the preceding clause under which the trial is only postponed when respondent's presence is necessary; and if such an answer could be made to an order of the court it would come to this, that while the Act allows the trial to be commenced during a session of Parliament if respondent's presence is not necessary at the trial, yet the court could not enforce its own orders during the trial, because in the delays allowed for any proceeding in respect of such trial the time occupied by the session is not to be included.

I do not think it is any hardship upon the petitioner or upon those interested on his side, that this petition should be dismissed. Sub-section 2 of section 32 allows any elector to come in after the expiration of three months from the presentation of the petition to carry it on if a day for the trial has not been fixed, and section 33 gives the court or judge jurisdiction to enlarge the time for the commencement of the trial if the requirements of justice render such enlargement necessary. The statute enacted in the public interest required petitioner to proceed with the trial within six months. If a longer delay was necessary to him in the interest of justice, he had the means at hand to obtain it. He has not done so, and from the view I take of the law, the motion must be granted and the election petition in this matter must be dismissed with costs. *

O'Halloran & Duff, for the petitioner.
G. B. Baker, Q. C., for the respondant.

CIRCUIT COURT.

PORTAGE-DU-FORT, (County of Pontiac), October 22, 1887.

Before WURTELE, J.

SMITH v. BROWNLEE.

Animals impounded—Damages—Right of retention, M.C. 447.

HELD:—*That the owner of a farm, who, under the authority of article 447 of the Municipal Code, has impounded animals found straying or trespassing on his premises, has no right to retain them for the payment of damages which he pretends to have been done by such animals on previous occasions.*

PER CURIAM.—The defendant found the plaintiff's two horses straying on his farm, and he took and impounded them on his own premises, as he was authorized to do by article 447 of the Municipal Code. The plaintiff immediately reclaimed his horses, and offered the fine of twenty-five cents for each horse imposed by article 440; but the defendant refused to deliver them up until he was paid the sum of $5.00, which he claimed for damages done on his farm by the horses on that and on other previous occasions.

The plaintiff contended that the horses had only been a few minutes on his neighbour's farm, and that they had done no damage whatever; but as he then wanted his horses for ploughing, he paid the $5.00 exacted, under protest, and he now sues to recover back the amount.

The evidence adduced shows that no damage had been done on the occasion in question, but that there had been previous trespasses, when some damage had been done,

* A similar judgment was given in the Missisquoi case, in which *Charles Short et al.* were petitioners and *George Clayes* respondent, the only difference between the two cases being that the preliminary examination of the respondent in the Missisquoi case had not taken place.

although the horses had not been impounded nor the amount of the damage ascertained.

Article 432 provides that the owner of an impounded animal can get it released and delivered to him upon payment of the fine, the expenses and costs incurred, and such damages as may be agreed upon or may be ascertained; and article 442 prescribes that in case of contestation and of the absence of the owner, the damages are determined by experts on view thereof. When the fine, expenses, costs and damages are not paid, the animal is sold, and article 436 says that the proceeds are employed in paying what is due *in consequence of the impounding of the animal*, and that any balance is placed in the hands of the secretary-treasurer. Then article 444 provides that a right of action lies against the owner of an animal which has trespassed and has not been impounded, for the damages done.

It is clear from all this that an animal can only be detained for the damages done on the occasion on which it was impounded, and not for other damages previously done. The defendant had, therefore, no right to detain the plaintiff's horses until he paid the damages claimed, and should have given them up on the tender of the sum of fifty cents due for the fines incurred.

The action brought is the action "*condictio* "*sine causâ*, qui donne la répétition de tout ce "qui a été donné ou payé sans aucun sujet "réel," (Pothier, Usure, No. 156), and the plaintiff is entitled to recover the amount which he paid without cause and under protest. On the $5.00 paid, the defendant was entitled only to fifty cents, and I give judgment in favor of the plaintiff for the rest.

Judgment for Plaintiff for $1.50.

C. P. Roney, for plaintiff.

D. R. Barry, for defendant.

COURT OF QUEEN'S BENCH.—MONTREAL. *

Chemin public à travers une érablière—Art. 904, C. M.

Jugé:—Qu'un conseil municipal ne peut ouvrir un chemin à travers une érablière située dans un rayon de 400 pieds de la maison habitée par l'occupant de telle érablière sans le consentement par écrit du propriétaire;

2o. Que le fermier habitant la maison appartenant au propriétaire d'une érablière affermée est "*occupant*" de telle érablière, dans le sens de l'article 904, C. M.—*Massue et al. & La Corporation de la paroisse de St. Aimé*, Dorion, Ch. J., Tessier, Cross, Baby, Church, J J. (Dorion, Ch. J. et Cross, J., *diss.*), 23 sept. 1887.

Quasi-délit—Absence de malice—Dommages-intérêts.

Jugé:—Que dans les cas de dommages résultant de la négligence du défendeur, quand il n'y a pas de malice de sa part, il n'est pas passible de dommages-intérêts exemplaires, mais seulement des dommages réels que sa négligence aurait causés.—*Stephens & Chaussé*, Dorion, Ch. J., Cross, Baby, Church, JJ., 20 sept. 1887.

Security for costs—Opposition à fin d'annuler by absent defendant.

Held, that an opposant who is absent from the country, even if he is a defendant opposant *à fin d'annuler*, is bound to give security for costs.—*Beckett & La Banque Nationale*, Dorion, Ch. J., Cross, Baby, Church, JJ., Sept. 23, 1887.

Execution—C.C. 1994—C.C.P. 606—Privilege for costs.

Held, 1. (Reversing the judgment of the Court of Review, M.L.R., 1 S.C. 443), that the plaintiff's privilege for the costs of suit, under C.C. 1994 and C.C.P. 606, § 8, as amended by 33 Vict. (Q.) ch. 17, s. 2, extends only to the costs incurred in the Court of first instance. And so, where the plaintiff obtained judgment in the Superior Court against three defendants jointly and severally, and the judgment was reversed by the Court of Queen's Bench sitting in appeal, and, on appeal to the Privy Council, the original judgment was restored, it was held that the plaintiff was entitled to be collocated by privilege on the proceeds of defendants' movables only for the costs incurred in the Superior Court.

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

2. (Affirming the judgment in Review). that the plaintiff's privilege for the costs of suit, where the suit has been with a firm, has priority even as regards the personal effects of the individual members of the firm, over the lien of the landlord for the rent of premises leased to such members.—*Beaudry et al. & Dunlop et al.*, Dorion, Ch. J., Tessier, Cross, Baby, JJ., March 18, 1887.

COURT OF APPEAL.

Nov. 21, 1887.

Before LORD ESHER, M.R., BOWEN, L.J., FRY, L.J.

REGINA v. LORD PENZANCE.

Ecclesiastical law—Contumacious clerk—Disobedience to order of suspension—Writ 'de Contumace Capiendo'—Issue of writ after expiration of order of suspension—Habeas Corpus—5 Eliz., c. 23, s. 10; 53 Geo. III., c. 127, s. 1.

Appeal from the judgment of the Queen's Bench Division, reported 56 Law J. Rep. Q. B. 532, making absolute a rule *nisi* for a writ of *habeas corpus*.

In April, 1885, a suit was instituted under the Church Discipline Act, 1840 (3 & 4 Vict., c. 86), against the Rev. James Bell Cox for offences against ritual, of which offences Mr. Cox was found guilty. On September 5, 1885, a monition was served upon Mr. Cox directing him to refrain from the practices of which he had been found guilty. Mr. Cox disobeyed this monition, and on June 13, 1886, he was suspended *ab officio* for six months. The term of suspension would consequently expire on December 13, 1886. Notwithstanding this suspension, Mr. Cox, on June 20, 1886, officiated in his church, and on July 30, 1886, he was adjudged to have so acted, and in August, 1886, a *significavit* was issued. Up to this date Mr. Cox had not appeared in the suit, but upon this latter date he obtained from the Queen's Bench Division a rule *nisi* for a prohibition, and this rule was discharged on March 11, 1887, the judgment being affirmed by the Court of Appeal on April 28, 1887. On May 2, 1887, a writ *de contumace capiendo* was obtained by the complainant, and Mr. Cox was imprisoned under it. Mr. Cox thereupon obtained a rule *nisi* for a writ of *habeas corpus*, on the ground that the writ *de contumace capiendo* could not be lawfully issued after the period of six months' suspension had expired, the order of suspension for disobedience of which Mr. Cox had been imprisoned being no longer in existence. The Queen's Bench Division made the rule absolute.

The complainant appealed.

Their Lordships, having decided that under section 19 of the Judicature Act, 1873, an appeal lay from a judgment of the Queen's Bench Division on an application for a writ of *habeas corpus*, reversed the judgment appealed from. The object of section 1 of 53 Geo. III., c. 127, was not merely to compel obedience in the future, so that when the object of imprisoning the person had come to an end the person was entitled to his release. That section had abolished the sentence of excommunication (except in certain instances), and put instead thereof the decree of contumacy, reserving for the new decree the consequences formerly attaching to the sentence of excommunication, as far as they were applicable. Upon the true construction of that section, which incorporated the provisions of 5 Eliz., c. 23, a person pronounced contumacious could only obtain release from prison by bringing himself within the latter part of that section (which Mr. Cox had not done), or by making submission and satisfaction in the Ecclesiastical Court under 5 Eliz., c. 23, s. 10.—*Law Journal.*

COURT OF APPEAL.

Nov. 21, 1887.

Before COTTON, L.J., SIR JAMES HANNEN, LOPES, L.J.

PEEK, BART., v. DERRY.

Directors—Misrepresentation—Measure of Damages.

In this action the plaintiff sued the defendants, who were the directors of a company which was being wound up, for damages on the ground that he had been induced by misrepresentations contained in the company's prospectus to invest £4,000 in the shares of the company. The Court of appeal decided that the plaintiff had a good cause of action, but directed a further argu-

ment upon the mode in which the damages were to be ascertained.

The plaintiff discovered the fraud in October, 1884, and commenced his action on February 4, two days after a petition had been presented for the winding up of the company.

Bompas, Q.C., and *E. W. Byrne*, for the plaintiff, contended that the actual loss sustained was the true measure of damages.

Graham Hastings, Q.C., and *Phipson Beale*, for one of the defendants, argued that the mode of computing the damages was to ascertain the difference between the price paid and the value of the shares at the date of the purchase; and, alternately, that the value ought to be ascertained at the moment when the fraud was discovered.

Their Lordships held that the measure of damages was the difference between the price paid for the shares and the value of the shares immediately after the date of the purchase; that such value was not the market value, but the real value, which might be ascertained by the light of subsequent events, showing that the shares were originally worthless; and that the plaintiff had not acted so unreasonably in not selling his shares upon the discovery of the fraud as to disentitle him to take into account events which happened subsequently; and they directed an inquiry upon that footing.—*Law Journal*, 22 *N.C.* 145.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Dec. 10.

Judicial Abandonments.

J. A. Dufresne, Cacouna, Dec. 1.

Thomas McCord, Quebec, Dec. 7.

Isaïe Riopel, Joliette, Nov. 26.

Curators appointed.

Re James Dalrymple, Montreal.—J. McD. Hains, Montreal, Dec. 6.

Re Langlois and Ellison.—G. E. A. Jones, Quebec, curator, Dec. 1.

Re W. Pringle.—W. C. Simpson, Montreal, curator, Dec. 7.

Re C. Robert & Co., furriers.—J. McD. Hains, Montreal curator, Dec. 1.

Re A. O. Turcotte, Broughton.—H. A. Bedard, Quebec, curator, Dec 9.

Re George Walker.—James G. Ross, Quebec, curator, Dec. 6.

Dividends.

Re François Allard.—First and final dividend, A. A. Taillon, Sorel, curator.

Re Copland & McLaren.—Second and final dividend, payable Dec. 28, A. W. Stevenson, Montreal, curator.

Re Guillaume Gariépy.—Dividend of 33⅓ p.c., payable Dec. 27, H. A. A. Brault and O. Dufresne, Montreal, joint curator.

Re Louis Labelle.—Dividend, A. A. Taillon, Sorel, curator.

Re L. Lassonde, St. Zephirin.—Dividend, payable Dec. 30, Kent & Turcotte, Montreal, curator.

Re Wm. Mansfield.—First dividend, payable Dec. 20, C. Desmarteau, Montreal, curator.

Re Hermyle Parant, Rivière Blanche.—Second and final dividend, payable Dec. 18, H. A. Bedard, Quebec, curator.

Re Olivier Proulx.—First and final dividend, A. A. Taillon, Sorel, curator.

Separation as to Property.

Georgine Archambault vs. Damase Perrault, trader, Montreal, Dec. 1.

Hélene Grenier vs. Achille Fereol Fleury, physician. Lanoraie, Dec. 1.

Marie S. Hudon vs. George Chaussé, carpenter, Montreal, Dec. 1.

Exilma Plamondon vs. Napoléon Godbout, merchant, St. Marcel, Aug 19.

Anna Savaria vs. Omer Dufresne, trader, Montreal, Sept. 3.

Cadastre.

Sub-division of lot No. 1006, St. James Ward, Montreal, deposited.

Court Terms.

District of Iberville:—Court of Queen's Bench, criminal terms to be hold 25th October and 26th March. Superior Court terms to be held 23rd January, March, May, September and November; and from 15th to 20th of February, April, June, October and December. Circuit Court, district of Iberville, 11th to 14th of February, April, June, October and December. For County of Iberville, 6th to 10th of February, June and October. For County of Napierville, 1st to 5th of February, June and October.

GENERAL NOTES.

Un incident comique est venu égayer jeudi l'audience correctionnelle de Saint-Julien (Haute-Savoie.)

Un jeune homme de dix-neuf ans comparaissait pour répondre à une accusation de vol. On introduit le premier témoin, vieux bonhomme à la mine rusée et chafouine qui porte gaillardement ses soixante-quinze ans et sa vareuse de campagnard endimanché. C'est à lui qu'appartenait la paire de bottes, cause de l'accusation, et on peut lire sur son visage tout le desir qu'il a de retrouver le voleur de ses chaussures.

Reconna ssez-vous, lui dit le president en lui désignant l'accusé, cette personne pour celle qui a volé vos bottes?

Notre paysan, se faisant un abat-jour de ses deux mains et se plaçant à une distance respectueuse de l'accusé, le lorgne et l'examine un instant en silence, puis ne pouvant se prononcer, il s'approche de l'inculpé, le palpe, le retourne, lui caresse le menton, lui passe la main dans les cheveux et hésite encore, il s'en empare de nouveau, le fait pirouetter; quand frappé soudain d'une idée lumineuse, il lui saisit une mâchoire de chaque main; puis ni plus ni moins que s'il avait affaire à un taureau ou à une jument s'écrie: "Montrâme la dent," et satisfait de son examen: "N'y est pas cé z'itie, Mons le president." Ce n'est pas celui-la, Monsieur.

Il est inutile d'ajouter que cette sortie inattendue fut accueillie dans l'auditoire par un fou rire dont les magistrats eux-mêmes ne purent se défendre.