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BY

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TABLE OF CASES

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Mr. Justice Bossé observed, last term, in *Corp. of Sherbrooke & Dufort*, referring to the three months prescription of C. S. C. cap. 85, "Cette loi est dure, elle devrait probablement disparaître de nos statuts." In effect, it seems like a mockery of justice to tell the maimed or mutilated victim of somebody's carelessness or neglect, that he has lost all recourse because his proceedings were not commenced within three months from the time of the injury. It might easily happen that the injured person would be in such a condition during the ninety days as to be unable to realize his position or to seek advice as to his remedy. He is not even as favourably situated as a minor or an interdict; he has no tutor or curator to act for him. And when he has sufficiently recovered to be able to reflect and to act, he is told that his remedy is irretrievably lost. A tradesman may let an account sleep in his books twenty times three months, before his action is barred, but the victim of a horrible accident is bound to act at once—perhaps before the precise extent of his injury can be ascertained. The hardship, of course, is all the greater, when, after succeeding in proving his case in the Court below, he is met with the defence of prescription on the appeal.

The exclusion of the bar and the general public from the Court, during the trial of a libel case (see p. 412 of last volume), is a startling novelty to the English lawyer, and, as will be seen by the opinion published on another page, the leading member of the profession has declared that Mr. Justice Denman was not 'legally justified' in making the order. If injury would have resulted to third parties from the admission of the bar to the trial of *Malan* v. *Young*, that would be a strong ground for making a precedent for trying the case *in camerâ*. We presume that the order would have been futile if the bar had not been excluded as well as the general public. This reminds us of a case about fifteen years ago in Montreal. It was not a libel case, but an ordinary action, by the vendors of real estate, to compel a purchaser to take a deed of lots sold to him. The late Mr. Justice Torrance, who was trying the case, for some reason not clearly apparent, or which we have forgotten, made an order prohibiting the taking of notes of the evidence by reporters. This ruling caused some astonishment at the time; and it was perfectly futile, for the newspapers continued to publish more or less complete summaries of the evidence; and, after a day or two, the learned judge, probably becoming convinced that the order could not be justified, voluntarily rescinded it. Mr. Justice Denman in the present case is in a much stronger position. He did not make the order without conferring with other judges; it was made at the suggestion of counsel, and with the consent of both parties; so that there can be no suggestion that justice will not be done. On the other hand, it appears that Parliament deliberately rejected a clause providing that the Divorce Court might hold its sittings with closed doors when for the sake of public decency it should so think; and the Courts are usually careful to avoid any conflict with the unmistakable will of the legislature.

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*COURT OF QUEEN'S BENCH—MONTREAL.**

Partnership—Participation in profits—Arts. 1830, 1831, *C. C.*

The appellant lent $3,000 to P., to start him in business, which was carried on under the name of P. & Co. By the agreement, appellant was to have six per cent. interest on the amount of the loan, and P. was to draw $800 per annum for living expenses. At the expiration of seven years, or on the death of P. before that time, the appellant was to get back the amount of his loan, and the net profits of the business were to be equally divided between appellant and P.

Held:—That a partnership was created,

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* To appear in Montreal Law Reports, 5 Q.B.

and appellant became liable for the debts of the business.—*Davie & Sylvestre*, Tessier, Cross, Baby, Church, Bossé, JJ., Sept. 23, 1889.

Tutor and minor—Loan to minor—Arts. 297, 298, C. C.—Obligation void for violence and fear—Arts. 994-996, C. C.

Held:—1. (Affirming the decision of the Court below), That a person lending money to a minor is bound at his peril to see that the authorization to borrow is regular on the face of it; and where no proper summary account was submitted by the tutor, as required by Art. 297, C.C., and the sub-tutor was moreover the agent and son of the lender, and was bound to know that in fact the loan was not required by the minor, but was being improperly obtained by the tutor for his own purposes, the obligation so given was held null and void.

2. (Reversing the judgment of the Court below), That threats to a woman in a weak state of health, and feeble bodily and mentally, that she would be turned out of her property, unless she signed an obligation and hypothec, constituted violence and fear within the meaning of Arts. 994, 995 C. C., and were a cause of nullity in the obligation executed in such circumstances, and without consideration.—*Kerr & Davis*, and *Davis & Kerr*, Tessier, Cross, Church, Bossé, Doherty, JJ., (Tessier and Bossé, JJ., dissenting on appeal of Kerr, and Tessier, J., diss. on cross appeal), May 28, 1889.

Servitude—Moulin banal—Obligation of riparian owners—Right of Co-proprietorship.

Held:—1. The *droit de banalité* under the old law was a servitude which imposed on riparian owners the obligation of permitting on their land the construction of the dam (*chaussée*) necessary for the working of a *moulin banal* of the seigniory; and when the seigniorial tenure was abolished, the seignior remained sole owner of the mill and the dam.

2. While every riparian owner has the right to use the water of a stream adjoining his land, on condition of returning it to the stream at its exit from the land, he is not entitled to draw off water from a dam belonging to another, for irrigation or manufacturing purposes.

3. Joint use of a thing where one of the parties enjoys the use under a title obliging him to pay an annual sum for such use, cannot confer a right of co-ownership, however long such joint use may have lasted.

4. The right of the owner of the saw-mill in the present case was limited to the use of the surplus water not required for the operation of the *moulin banal*; but the plaintiff having wholly denied his right to use the water, the action was dismissed, the Court reserving to plaintiff the right to establish the limitation.—*Archambault & Poitras*, Tessier, Cross, Bossé, Doherty, JJ., Jan. 23, 1889.

Executrix—Liability for misappropriations of agent.

Held:—(Affirming the decision of Johnson, J., M.L.R., 4 S.C. 92), That while an executrix who is also appointed administrator of the estate for a long term of years, has power to substitute another person for the management of the affairs of the estate, the executrix is bound to exercise supervision over the acts of the person so appointed, and cannot divest herself of her personal responsibility if she fails to take all due precautions.

2. An executrix cannot escape liability for the misappropriations committed by her agent, by simply establishing that such agent was a notary of excellent standing in the community; and the immunity granted to the mandatary empowered to substitute (under Art. 1711, C.C.) does not apply to a testamentary executrix.

3. In the present case the executrix had acted carelessly and without due precaution in making cheques payable to her agent instead of to the borrowers on the proposed mortgages, and in signing deeds without sufficiently examining their contents.—*Low & Gemley*, Tessier, Baby, Church, Bossé, JJ., Nov. 23, 1889.

SUPERIOR COURT—MONTREAL. *

Review—Town Corporations—Judgment on petition to annul resolution of County Council—R. S. 4376, 4614.

* To appear in Montreal Law Reports, 5 S.C.

Held:—That a judgment of the Superior Court, under the Town Corporations General Clauses Act, 40 Vict. c. 29, s. 200, (R. S. 4376), upon a petition to set aside a resolution of a county council on the ground of illegality, is a judgment respecting municipal matters, and is not susceptible of revision before three judges. R. S. 4614.—*McConnell* v. *La Corporation de la Ville de Lachute*, in Review, Johnson, Davidson, de Lorimier, JJ., June 22, 1889.

Railway—Highway crossing—Negligence—Verdict against evidence—New trial.

The husband of plaintiff was struck by an outgoing train and killed, while attempting to cross the tracks where the highway was intersected by the railway. The evidence was to the effect that he persisted in crossing notwithstanding the warning of the guardian; the gate was closed; there was day-light; the bell of the engine was ringing; and the approaching train could be seen for three-quarters of a mile from the place of the accident. The jury found for the plaintiff.

Held:—That the verdict was against evidence, it being clearly proved that the deceased had not exercised ordinary care; and a new trial was ordered.—*Curran* v. *G.T.R. Co.*, Loranger, Würtele, Davidson, JJ., June 8, 1889.

Carrier—Bill of lading—Condition.

Held:—That the condition on the back of a through bill of lading, relieving a railway company from responsibility as soon as goods entrusted to them for carriage have been delivered to the next succeeding carrier at the extremity of the line of the railway company issuing said bill of lading, is a legal and reasonable condition, and is binding on the shipper who either has, or from the circumstances is presumed to have, knowledge thereof, and to have accepted the contract subject to such condition.—*Beaumont* v. *C.P.R. Co.*, Jetté, J., Oct. 29, 1889.

Costs—Commission Rogatoire—Fees of Solicitors on open Commission.

Held:—That where the parties consent to the substitution of an open commission for the examination of witnesses at a distance, in lieu of a commission in the ordinary form, the fees of counsel conducting the *enquête* before the commissioner will be taxed as costs in the case.—*Pictou Bank* v. *Anderson*, Jetté, J., Dec. 14, 1889.

Principal and Agent—Fraud—Transfer of fire insurance—Agent, Powers of—Art. 1735, *C.C.*

The defendant, an insurance broker, was the agent of two insurance companies, one of which instructed him to cancel a certain risk in Montreal. After asking for a reconsideration, and the order being repeated, he complied, and then transferred the insurance to the other company for which he was agent. He did this without the knowledge of the insured. The same day a fire occurred, and the loss was paid by the company to which the insurance was transferred. In an action by the latter against the agent, for fraudulently making them responsible for the loss:

Held:—That the transfer of the insurance was made by the defendant in good faith and in accordance with the custom of insurance brokers in Montreal, and although not authorized by the insured, it was competent for the agent to act as the mandatary of the company and of the insured.—*Connecticut Fire Insurance Co.* v. *Kavanagh*, Würtele, J., Nov. 14, 1889.

COUR DE CIRCUIT.

MONTRÉAL, 23 avril 1889.

Coram OUIMET, J.

OUELLET v. LES COMMISSAIRES D'ECOLE POUR LA MUNICIPALITE DE LA PAROISSE DE ST-LAURENT.

Rôle de cotisation scolaire—Validité—Contestation.

JUGÉ:—*Qu'on ne peut, par une procédure incidente, attaquer la validité d'un rôle de perception scolaire.*

Les demandeurs poursuivent le défendeur, pour la réclamation d'une taxe scolaire de $54.92, tel que porté au rôle spécial de cotisations pour la construction d'une maison d'école dans l'arrondissement numéro huit de la paroisse de St-Laurent.

Le défendeur a produit deux plaidoyers à l'encontre de cette action. Il produit d'a-

bord une exception péremptoire temporaire en droit, alléguant: qu'avant la création de l'arrondissement numéro huit, tout cet arrondissement était compris dans l'arrondissement numéro trois de la municipalité scolaire de la paroisse de St-Laurent, et que partant l'arrondissement numéro huit n'était qu'un démembrement de l'ancien arrondissement numéro trois; qu'avant ce démembrement tous les propriétaires contribuables du dit arrondissement numéro trois avaient fait bâtir une maison d'école à frais commun qui existait encore lors du démembrement et dont la valeur était, à peu près, la même que lors de la construction qui en avait été faite; que par la création du nouvel arrondissement numéro huit, la partie où se trouve située la dite maison d'école, savoir, le reste de l'ancien arrondissement numéro trois, a gardé la propriété de cette maison; que les demandeurs devaient d'abord faire remise au nouvel arrondissement numéro huit d'un montant qui devait être établi au *pro rata* de l'évaluation foncière des propriétaires intéressés; que le montant de cette remise devait être déduit du prix de la construction de la nouvelle maison d'école, et que le rôle spécial qui devait être fait pour payer cette nouvelle construction ne devait être que pour la balance restant due, déduction faite de la remise que les demandeurs devaient imposer à la balance de l'ancien arrondissement numéro trois; que, par conséquent, le rôle spécial sur lequel est basée la présente action est irrégulier, illégal, nul, de nul effet, et la présente action doit être déboutée sauf recours sur un nouveau rôle à être préparé d'après la loi.

Sans préjudice à ce que ci-dessus plaidé, le défendeur a ensuite produit une défense spéciale alléguant le même fait, et alléguant de plus que, déduction faite du montant de la dite remise, le montant que le défendeur aurait eu à payer n'aurait pas dépassé $30; que le défendeur a toujours été prêt à payer ce montant; que le défendeur offre de confesser jugement pour ce montant de $30, pourvu que les demandeurs lui donnent sa quittance pour le montant. Et le défendeur demande acte de cette déclaration, qu'il est prêt à confesser jugement pour une somme de $30 sans préjudice à son premier plaidoyer, et conclut au débouté de l'action quant au surplus, avec dépens distraits.

A cette exception péremptoire, les demandeurs ont opposé une réponse en droit et une réponse générale en fait.

La réponse en droit allègue: Que le défendeur n'a jamais porté aucune plainte auprès des demandeurs ou de leur secrétaire pendant les trente jours pendant lesquels le rôle était entre les mains du secrétaire-trésorier pour inspection, après avis légalement donné, et qu'il n'a pas porté plainte lors de l'homologation du dit rôle; qu'aucune plainte, ni appel n'ont jamais été portés auprès du surintendant de l'instruction publique de cette province relativement au dit rôle, ni auprès du conseil de l'instruction publique, ni auprès de cette Cour.

Les demandeurs ont produit une réplique générale à l'encontre de la défense spéciale du défendeur, et demandé acte des confession et admission du défendeur.

Tous ces plaidoyers du défendeur ont été renvoyés, et jugement pour la somme de $54.92, montant porté au rôle, a été accordé aux demandeurs avec intérêt et dépens.

J. H. Migneron, avocat des demandeurs.

Laflamme, Madore & Cross, avocats du défendeur.

(J. J. B.)

CIRCUIT COURT, BEAUHARNOIS.

HUNTINGDON, Sept. 10, 1889.

Coram BELANGER, J.

MOODY *et al.* v. THORNTON, & WHITE, opposant.

Opposition—Dismissal on motion—Art. 135, *C.C.P.*

HELD:—*That an opposition which is vague and insufficient on its face may be dismissed on motion.*

The opposant White alleged in his opposition that he was the owner of a certain mare mentioned in the *procès verbal* of seizure in the cause, and that this animal was not seized in the possession of the defendant.

Plaintiffs moved to reject the opposition, on the ground that inasmuch as the opposant had not alleged that the mare in question had been seized in his possession, and did

not set up any title by which he pretended to claim ownership, the opposition was vague, and should be dismissed. He cited in support of his motion, Art. 135, C. C. P.

Motion granted.

A. E. Mitchell, for Plaintiffs contesting.
Maclaren, Leet & Smith, for Opposant.
(C. J. B.)

ENGLISH AND FRENCH LAWYERS.

At the annual provincial meeting of the Incorporated Law Society (England), Mr. F. K. Munton, of London (Oct. 16), read a paper entitled 'English and French Lawyers,' in the course of which he said:

In France the legal practice is separated into three divisions, for, besides the criminal and ordinary civil jurisdiction, there is a special division for dealing with cases of a purely commercial character. Over the latter, the Tribunals of Commerce have exclusive control. All other civil matters are dealt with by the Civil Courts properly so called. In the Civil Courts the judges are appointed by the State, and hold their office for life as in England, whereas in the Tribunals of Commerce the judges are not professional lawyers, but merchants elected by fellow-merchants of the district. The order of things as regards the legal profession in France is very different from that prevailing in England. The business of an English solicitor, in fact, is split up and divided in France among *avocats*, consulting *avocats*, *avoués*, *agréés*, *notaires*, *huissiers*, and *agents d'affaires*, and there is nothing to prevent unlicensed and possibly wholly unqualified practitioners from doing much from which they would be excluded by our English system. The *avoué*, the nearest correlative of an English solicitor, performs a very small part of the work of the latter, as we understand it. There are in Paris 200 *avoués*, 125 *notaires*, 15 *agréés*, 150 *huissiers*, sixty *avocats à la Cour de Cassation*, and 800 *avocats* inscribed at the bar. The exact number of uninscribed practitioners is unknown, but is supposed to be about 5,000. At all events, it vastly exceeds that of all the *notaires*, *avoués*, inscribed *avocats*, *agréés*, and *huissiers* put together. It is an undisputed fact that the great bulk of legal business which would be carried on in London by solicitors is done in Paris by persons who are subject to no qualifications in the legal sense of the word, and whose agency is subject to no direct check or control. Any person can, in fact, exercise the profession of the law, excluding actual procedure, a portion of conveyancing, pleading in Court, and the serving of process. For all France the number of recognised practitioners doing solicitors' work is about 9,000 *notaires*, 2,500 *avoués*, and 5,000 *huissiers* (the number of *avocats* is not on record)—in all, under 17,000. In England we have some 14,000—*i.e.* one to about 1,700 inhabitants, the proportion in France being one to about 2,100 inhabitants. If, however, the unregistered practitioners in France be added, the proportion would be sensibly raised there. Closely connected with the distinction between the French and English systems of legal agency is the difference between the two countries in the organisation of justice, which is as strongly decentralised in France as the rest of the administration of the country is centralised. All of us here know that the High Court of Judicature in London has unrestricted jurisdiction throughout England and Wales. It is true that County Courts, and a few local Courts, have statutory or customary jurisdiction in certain classes of cases; but, speaking generally, it is every Englishman's right to demand justice in London, or by the judges from London on circuit. France, on the contrary, is divided into limited jurisdictional areas, called appeal districts, and these again into subdivisions in which the Courts of First Instance have exclusive jurisdiction. The departments are grouped into twenty-six such appeal districts, a chief town in each of them being the seat of the Appeal Court. Each appeal district is complete in itself. There is no appeal beyond the limit of the district, nor can a case be removed from the district in which the cause of action arose. The Courts of First Instance (civil and commercial tribunals) differ from the English County Courts inasmuch as all causes, whatever the amount at issue or nature of the suit, are subject to their jurisdiction. Such jurisdiction, moreover, is final in all matters involving

less than 1,000f. (£40), or where property is concerned involving a rent of of less than 60f. There is a civil tribunal of First Instance in every arrondissement, and there are 362 arrondissements in France. Thus each arrondissement, with the exception of two in the neighborhood of Paris, possesses a Court with unlimited jurisdiction in all matters, whatever the issue, in its own area. There are tribunals of commerce in the 213 towns which are of sufficient trade importance to warrant the existence of a special tribunal. Where there is no tribunal of commerce, the civil tribunal exercises commercial jurisdiction in its stead. Below the civil tribunals of First Instance there is a Court which is composed of a single stipendiary, *juge de paix* (not to be confounded with the English J.P.), a tribunal with jurisdiction up to 1,500 francs, and without appeal under 100 francs, and below the tribunals of commerce the *Conseils de Prud'hommes*. The latter are Courts composed of masters and workmen in equal numbers, for the settlement of disputes between employers and employed, with jurisdiction which is final in matters involving less than 200 francs, and subject to appeal to the tribunal of commerce of the district in matters involving a larger amount. There is a *Juge de Paix* Court in each of the 2,868 cantons in France; but neither these Courts nor the *Conseils de Prud'hommes* much concern lawyers, for the parties usually appear in person, and the recognized legal profession has little to do with them. Only the larger civil tribunals of first instance have a bar. The *avoués* attached to them, like the *agréés* in the tribunals of commerce, which have adopted the institution of *agréés*, do the work of barrister and solicitor in the same way as solicitors in England do the bulk of the County Court work. The result of this decentralisation is strongly marked in Paris. In London we have 5,000 solicitors and 3,000 barristers—in all some 8,000 persons—practising the law, whereas in Paris the recognized practitioners doing solicitors' work number only 550, and barristers' work 800—*i.e.* 1,350, or about one-sixth of the number in London; so that, even adding the supposed number of unrecognized practitioners, the total (allowing for the difference in population) is still a long way from that in London. The decentralisation of justice in France affects the social position of the bar, for, with the exception of that of Paris, it is much behind the English bar. In England, as the only avenue to great judicial office, the bar enjoys a prestige far beyond the Paris bar, the French bench being recruited without reference to distinction at the bar. The office in France of public procurator (usually, but erroneously, called in England 'public prosecutor') is the keystone of the administration of criminal justice in France. There is nobody analogous to this official in England, except, in some respects, the Queen's Proctor in the Divorce Court. The English Public Prosecutor or the Scotch Procurator-Fiscal performs only a small portion of the functions exercised (as the name '*ministère public*' indicates) by the French public procurator. In criminal matters he is the only prosecutor. The repression of crimes is a public interest, and in France private persons can only lodge their denunciation or complaint with the procurator. It is in his discretion to decide whether a criminal offence has been committed, and, if it has been committed, to bring the offender to justice. Complainants can prefer a civil claim, and thus actively support the prosecution in Court; and on civil claims being joined with the criminal issues, the same judgment deals with both. In civil matters the public procurator holds a sort of watching brief in the public interest. Owing to the active and individual nature of his office, he has constant opportunities of bringing his abilities under notice, and he is eligible for every judicial office. In France they have a Minister of Justice, who more than represents our Lord Chancellor. After him comes the Procurator-General of the Supreme Court of Appeal, whose deputies are the advocates-general of that Court. Lastly, in the civil tribunals of first instance there are a procurator-general and his substitutes. Every deputy of the procurator of the Republic must have passed the bar examinations and have spent two years in chambers before he becomes eligible for appointment. This, however, is all the connection with the bar he need have. From these substitutes

all other judicial officers are more or less recruited. The only place where the position of the three branches of the legal profession in France—bench, bar and solicitors—presents analogies to the position of things in England is Paris. There the bar enjoys greater prestige than in any other judicial centre in France; the judges are better paid than in other places, and the division of labor is most strongly marked. The *esprit de corps* of the Paris bar, the stringency of their code of honor, their professional etiquette, the strict supervision exercised by their disciplinary council, equivalent to our benchers, are as great as those in England. The bar of Paris is subject to antiquated rules like our Inns of Court. *Avocats* cannot sue for their *honoraires* (they are even prohibited from receiving them by cheque to order), and they are bound to communicate and lend to each other documents to be used at the trial without written acknowledgment.

THE ATTORNEY-GENERAL'S OPINION ON SITTINGS IN CAMERA.

The following questions and opinion have been published by Messrs. Geare, Son & Pease, of 57 Lincoln's Inn Fields:—

QUESTIONS.

1. Is there any precedent for the exclusion (1) of the members of the bar or (2) of the general public from being present in court at the trial in question, and had the learned judge, under the circumstances hereinbefore mentioned, any jurisdiction to exclude either the bar or the public from attending the trial?

2. Are there any proceedings by which the validity of the learned judge's order, under which Mr. Gould was compelled to leave the court, can be questioned, and, if so, what are such proceedings?

ANSWERS.

1. We know of no precedent for the exclusion of the members of the bar or the general public from the hearing in court of an action such as the one in question, and we are of opinion that as the law now stands, under the circumstances of the case, as stated by the learned counsel for the plaintiff and defendant respectively, the learned judge was not legally justified in excluding the general public or Mr. Charles Gould. In our opinion, the members of the bar, when not engaged in the business before the Court, have not in point of law any higher right to be present at trials than the general public.

2. We are of opinion that the order of the learned judge, under which Mr. Gould was excluded from the Court, cannot be questioned by actions in the courts or by any similar legal proceeding. A judge of the High Court cannot, in our judgment, be sued in the Court for words spoken or acts done in the course of his judicial functions, and the officials who carry out the orders of a judge, given in the apparent exercise of his functions, have, in our opinion, a similar immunity. No fine was imposed upon Mr. Gould; consequently, he is unable by legal proceedings questioning the punishment inflicted, to question indirectly the order of which he complains.

3. We desire to point out that the exclusion of a particular portion of the public, such as women and children, from trials in which evidence of an indecent character, difficult to bring out in detail before them, is to be given, rests upon long usage and upon principles which in no way affect, in our opinion, the present case, and that we entertain no doubt of the legality of that practice, or of the power of a judge to decide for himself as to its application.

RICHARD E. WEBSTER.
KENELM E. DIGBY.
CYRIL DODD.

Temple, December 9.

I desire to add to the above opinion that if in any case the presiding judge should be satisfied that the bringing out of the facts of a case would be so detrimental to public morality as to make it a matter of serious difficulty for the truth to be ascertained, and thereby prevent justice being done, in my opinion, in such a special case he might be justified in excluding the public; but no such reason was suggested in the present instance.

RICHARD E. WEBSTER.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Dec. 28.

Judicial Abandonments.

James G. Armstrong, doing business under the name of "The Armstrong Photographic Co.," Montreal, Dec. 19.

Pierre Blais, trader, Ste. Flore, Co. of Champlain, Dec. 24.

Didace Bonin, contractor, parish of St. Antoine, Dec. 20.

Aldéma Bourbonnais, tanner, parish of Ste. Marthe, Dec. 12.

J. Emile Caron, dry goods merchant, Quebec, Dec. 23.

Onésime Cartier, jr. grocer, Montreal, Dec. 24.

P. C. d'Auteuil & Co., dry goods merchants, Quebec, Dec. 21.

Elmire Duperré, doing business as E. D. Marceau, l'Isle Verte, Dec. 19.

James Stewart Kennedy, trader, Knowlton, Dec. 20.

Napoléon McCready, trader, St. Romuald, Dec. 24.

Antoine Trahan, mill-owner and trader, township of Weedon, Dec. 24.

Curators Appointed.

Re Clovis Arcand, wheelwright, Portneuf.—H. A. Bedard, Quebec, curator, Dec. 23.

Re Samuel S. Armstrong, trader, Cranbourne.—H. A. Bedard, Quebec, curator, Dec. 21.

Re A. S. de Carufel, Maskinongé.—Bilodeau & Renaud, Montreal, joint curator, Dec. 21.

Re Emery Faneuf, St. Hugues.—J. Morin, St. Hyacinthe, curator, Dec. 21.

Re L. L. Gailloux, Three Rivers.—Kent & Turcotte, Montreal, joint curator, Dec. 18.

Re Hormisdas Gendron, trader, St. Dominique.—J. O. Dion, St. Hyacinthe, curator, Dec. 21.

Re Maxime Guérin, St. Philippe.—Kent & Turcotte, Montreal, joint curator, Dec. 14.

Re Fabien L. Guertin.—John Fulton, Montreal, curator, Dec. 26.

Re Valois, Lusignan & Co.—Kent & Turcotte, Montreal, joint curator, Dec. 21.

Re H. Macfarlane & Son, contractors, Toronto, and Carleton, P.Q.—A. F. Riddell and Thomas Watson, Montreal, joint curator, Dec. 23.

Re Alex. Maheu, St. Chrysostôme.—Kent & Turcotte, Montreal, joint curator, Dec. 23.

Re John C. Moore.—C. S. Milette, Richmond, curator, Dec. 14.

Re Mullarky & Co., boot and shoe manufacturers' Montreal.—W. A. Caldwell, Montreal, curator, Dec. 19.

Re Robert Neill, Sheffington.—A. W. Stevenson, Montreal, curator, Dec. 21.

Re George St. Jorre & Co., grocers, Quebec.—H. A. Bedard, Quebec, curator, Dec. 20.

Dividends.

Re Hormisdas Bachand, St. Liboire.—First and final dividend, payable Jan. 14, J. Morin, St. Hyacinthe, curator.

Re J. W. Barrette.—First and final dividend, payable Jan. 15, C. Desmarteau, Montreal, curator.

Re Frank and Thomas Décost, pump manufacturers.—First and final dividend, payable Jan. 13, R. S. Joron, Salabery de Valleyfield, curator.

Re J. A. Leguerrier, Ste. Thérèse.—First dividend, payable Jan. 5, Bilodeau & Renaud, Montreal, joint curator.

Re Sénécal & Frère.—First and final dividend, payable Jan. 14, C. Desmarteau, Montreal, curator.

Separation as to Property.

Emilie Chalifoux vs. François Xavier Trudeau, tailor, Montreal, Dec. 23.

Azilda Côté vs. Jean Baptiste Dubreuil, trader and mill-owner, parish of St. Dominique, Dec. 26.

Evelina Picard vs. Louis Bigras, Montreal, Oct. 31.

Angelina Sabourin vs. Salomon Adams, trader, Montreal, Dec. 23.

GENERAL NOTES.

THE BURIAL ACT AND A 'FELO DE SE.'—In a village near Manchester recently, a person shot a bank manager and then, in order to escape capture, shot himself. Of course an inquest was held, and the jury returned a verdict of *felo de se*. Such a suicide would in former days have been buried in a very unceremonious manner. Since the Burials Act, 1880, however, such a case has been provided for by section 12 of that Act. That clause provides that where the ordinary service may not be used, and in any other case at the request of the relative, friend, or legal representative having the charge of or being responsible for the burial of the deceased, it shall be lawful for any minister in holy orders of the Church of England to use at the burial such service consisting of prayers taken from the Book of Common Prayer and of portions of Holy Scripture as may be prescribed or approved by the Ordinary. Such a service has been used in some dioceses, and of course its use is a great solace to the deceased's friends.—*Mr. Uttley in London Law Journal.*

PUNISHMENT SUITED TO OCCUPATION.—In the recent English case of *Gardner* v. *Bygrave*, which was an action of assault and battery brought by a pupil against his school-master for caning him on the hand, Mr. Justice Mathew made a joke which the *Saturday Review* regards as a "shining instance of how the tedium of legal proceedings may be profitably relieved, and the principles of law aptly illustrated by a really ready and witty observation." It was admitted on all hands that assuming caning on the hands to be a proper mode of punishment, the caning in question was a good and lawful one. The plaintiff's counsel, in an argument of a distinctly *à posteriori* character, contended that the lawfulness of caning on the hand depended on the occupation of the boy when out of school, and that the defendant ought to have enquired into the plaintiff's employment. "If he worked with his hands, such a punishment might seriously interfere with his occupation. Punishment might be inflicted elsewhere"—whereupon the court asked, "What if his occupation were sedentary?" It was ultimately decided that caning on the hand, when properly done and for a proper reason, is lawful.—*Harvard Law Review.*