The Legal News.

Vol. XI. DECEMBER 8, 1888. No. 49.

In *Johnson* v. *Merithew*, before the Maine Supreme Judicial Court, January 28, 1888, it was held that where father and children perish in the same disaster, without any evidence being adduced as to the particulars of the disaster (as in the case of a vessel lost at sea), it will be considered that the father died without issue. The Court said:—"The weight of authority at the present day seems to have established the doctrine that where several lives are lost in the same disaster there is no presumption from age or sex that either survived the other: nor is it presumed that all died at the same moment; but the fact of survivorship, like every other fact, must be proved by the party asserting it. *Underwood* v. *Wing*, 4 De Gex, M. & G. 633, affirmed on appeal in *Wing* v. *Angrave*, 8 H. L. Cas. 183; *Newell* v. *Nichols*, 75 N. Y. 78; S. C., 31 Am. Rep. 424; *Coye* v. *Leach*, 8 Metc. 371; 41 Am. Dec. 518, and note of cases, 522. In the absence of evidence from which the contrary may be inferred, all may be considered to have perished at the same moment; not because the fact is presumed, but because from failure to prove the contrary by those asserting it, property rights must necessarily be settled on that theory."

Mr. Justice Globensky died at Montreal, Dec. 2, somewhat less than a year from the date of his appointment to the bench. The late judge was born at Varennes, July 7, 1840. He studied law in the office of Hon. R. Laflamme, Q.C., and was admitted to the bar in 1862. After Confederation, he was appointed Clerk of the Legislative Council at Quebec, which position he held until 1875. In 1876 he entered the firm of which Hon. Mr. Lacoste is the head, and this association existed until his elevation to the bench a year ago.

If policemen act with unnecessary and improper roughness in the execution of their duties, it can hardly be permitted to the citizen to resent it on the spot. He must choose the proper occasion for making his complaint and obtaining redress. If, for example, policemen charged with the duty of keeping a thoroughfare unimpeded during a public ceremony, give offence to A or B, who are in the crowd, any effort of A or B to obtain redress on the spot would inevitably produce a serious inconvenience. In the recent case before the Recorder of Montreal, a policeman who was charged with keeping back the crowd from a window on a crowded thoroughfare, where a robbery had been committed, ordered Mr. Forman, with an oath, to move on. This was, no doubt, extremely improper on the part of the policeman, and more than improper, because it was calculated to provoke a breach of the peace of which he was the guardian. But, on the other hand, the citizen must keep himself strictly within his rights. Mr. Forman seems to have done nothing more than remonstrate at being sworn at; and the matter would have ended there if he had not returned subsequently,—as he says, on business, but the policeman imagined, not unnaturally, that he came to defy him, and forthwith arrested him. The magistrate in such cases has a delicate duty to perform. The circumstances of each case must be carefully considered, and any criticism by those who have not heard all the evidence is open to suspicion. In this case the Recorder, while referring the punishment of the policeman to his chief, suspended sentence upon the defendant, his observations being reported as follows:—

"Il est évident que l'accusé, Forman, et les personnes qui étaient arrêtées sur le trottoir, obstruaient le passage; toutefois, on tolère souvent ces choses, bien que la loi ne permette pas qu'on s'arrête et qu'on gêne la circulation, pourvu que les gens obéissent à la police qui les avertit.

"Dans la cause présente, l'accusé n'a pas obéi, comme les autres, et il est même revenu braver la police. Le constable MacMahon a fait son devoir en l'arrêtant.

"Le constable n'aurait pas dû laisser échapper ce mot 'sacré,' comme il l'avoue lui-même. Il est vrai qu'on s'explique facilement l'impatience du constable, mais il

n'aurait pas dû, tout de même, laisser échapper cette parole, parce qu'un homme de police doit être plus vertueux que tout autre. Ce n'est pas le temps de savoir si le constable a arrêté le prisonnier de la manière qu'il aurait dû le faire.

"Cette question regarde un autre tribunal, mais dans le cas où une arrestation est faite illégalement, il ne s'en suit pas que le prisonnier ne soit pas coupable.

"Un homme commet un meurtre, on l'arrête d'une manière illégale, est-ce à dire que le meurtrier doit être acquitté?

"L'accusé est coupable, et parce qu'il est un *gentleman*, ce n'est pas à dire qu'on ne devait pas l'arrêter. S'il fallait laisser dire à la police de 'telles insolences,' il n'y aurait plus moyen de faire respecter l'autorité; et en dépit de ce que peuvent dire certains journaux, je ne ferai pas de différence entre les *gentlemen* et les simples ouvriers; tous les journaux de Montréal et du monde entier ne m'empêcheront pas de faire mon devoir.

"Je vous trouve donc coupable, M. Forman, mais, eu égard à l'avertissement un peu rude du constable, je ne vous punirai pas aujourd'hui et je suspendrai la sentence."

ELECTION COURT.

AYLMER (dist. of Ottawa),
November 26, 1888.

Before WURTELE, J.

SÉGUIN v. ROCHON.

Evidence—Statement made by witness after examination.

HELD:—*That evidence of a statement or declaration made by a witness subsequently to his examination, for the purpose of contradicting or invalidating his testimony, is inadmissible, until such witness has been recalled and examined upon the point, and an opportunity has thus been furnished to him of giving such reasons, explanation or exculpation as he may have.*

Dr. Routhier was examined as a witness on behalf of the petitioner on the 13th September last, and Mr. Edouard Landry, an alderman of the city of Hull, was produced as a witness on behalf of the respondent to impeach Dr. Routhier's credit as a witness by proving a statement or declaration made by him some time subsequent to his examination, which, it was contended, was inconsistent with the truth of his testimony. On being asked to repeat the statement or declaration, the petitioner objected to the question and contended that such evidence could not be put in until Dr. Routhier had been first examined upon the point. The respondent maintained that this rule only applied to statements and declarations made by a witness before his examination.

PER CURIAM:—The rule of evidence is clear and positive, that a contradictory or inconsistent statement or declaration made by a witness previously to his examination cannot be proved by independent evidence for the purpose of impeaching his credit, until he has first been questioned with respect to such statement or declaration and allowed an opportunity to explain it. This is generally done in cross-examination; but when it is only discovered after a witness has been examined that his testimony differs from some previous statement or declaration, he may be recalled and further cross-examined, in order to lay a foundation for impeaching his credit by producing witnesses to contradict him, or to invalidate his evidence.

The Court in such cases has to consider in the first place whether the witness ever used the words alleged, and in the next place, if he has done so, whether his having done so impeaches his credit or is capable of explanation. It is only common justice to give the witness whose veracity is to be impeached by contrasting his testimony with some statement or declaration supposed to have been previously made by him, an opportunity of either admitting or denying that he made such statement or declaration, and if he admits that he did, then of explaining under what circumstances, from what motives and with what design it was made. Besides, the witness produced to shake another's testimony, may only have partially heard the statement or declaration, or may have misunderstood it, or may have forgotten its precise tenor, or may intentionally misrepresent it; and it therefore becomes necessary that both should give their testimony, and that the two should be contrasted and fully

considered and weighed by the Court. In the words of Starkie, page 240: "It would "be manifestly unjust to receive the testi- "mony of the adversary's witness to prove "the fact, without also admitting the party's "witness to deny it; and assuming the act "to have been done, or expression used, it "would also be unjust to deny to the party, "or to the witness who admits the act or "expression, the best, or, it may be, the "only means of explanation. If the witness "admit the words, declaration, or act, proof "on the other side becomes unnecessary, "and an opportunity is afforded to the wit- "ness of giving such reasons, explanations "or exculpations of his conduct, if any there "be, as the circumstances may furnish; "and thus the whole matter is brought be- "fore the Court at once, which is the most "convenient course." See Taylor on Evidence, Nos. 1445, 1470 and 1477; Phillipps on Evidence, pages 505 and 508: Starkie on Evidence, page 238.

All these authorities refer, however, to statements or declarations made previously, and not subsequently as in the present instance, to the examination of the witness whom it is sought to discredit. This may result from the speedy and continuous mode in which trials are carried on in England; but it seems to me that the reasons which require the examination of the witness with respect to a statement or declaration made before his testimony was given, apply with equal force to a statement or declaration made afterwards. And in Halsted's Law of Evidence I find a holding directly in point, laying down the rule that evidence of a subsequent statement or declaration is inadmissible until the witness whose credit is attacked has been examined respecting it. The passage is in his 2nd volume, at page 514, No. 14, and reads as follows: "The declarations of wit- "nesses whose testimony has been taken "under a commission, made subsequent to "the execution of the commission, contra- "dicting or invalidating their testimony, are "inadmissible in evidence. Such evidence "is always inadmissible until the witnesses "have been examined upon the point, and "an opportunity furnished to them for ex- "planation or exculpation; and the rule "applies as well when the testimony is taken "under a commission as otherwise. *Brown* "v. *Kimball*, 25 Wend. 259." This is, it is true, an American authority, but as the rule on this subject is the same in the United States as in England, it is applicable, and may be taken to guide us.

I must, therefore, maintain the objection and adjourn Mr. Landry's examination, to allow the respondent to recall and further cross-examine Dr. Routhier.

Objection maintained.

J. M. McDongall and *Henry Aylen*, for petitioner.

L. N. Champagne, for respondent.

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*SUPERIOR COURT—MONTREAL.**

Negligence causing nervous shock or fright—Responsibility.

Held, that damage, the result of fright or nervous shock, unaccompanied by impact or any actual physical injury, is too remote to be recovered. And so, where a miscarriage resulted from a fright caused to the plaintiff from the fall of a bundle of laths (which occurred through the defendant's negligence,) near where the plaintiff was standing, it was held that she could not recover damages.—*Rock* v. *Denis*, Davidson, J., May 18, 1888.

Acte des élections de Québec—Substitution de pétitionnaire—Collusion—Procureur ad litem—Admission du défendeur—Effet d'un retrait.

Jugé:—1o. Que pour qu'une substitution de pétitionnaire soit permise, dans le cas où le premier pétitionnaire néglige ou refuse de procéder, il faut: 1o. Qu'il soit démontré à la Cour qu'il y a collusion entre le premier pétitionnaire et le défendeur; 2o. La pétition de substitution doit être signée par la partie elle-même et non par son procureur *ad litem*.

2o. Que le défendeur dans le cours de l'instruction de la cause, à l'enquête, pour éviter des frais, et en vue d'un compromis, ayant fait une admission écrite, admettant que des manœuvres frauduleuses de nature à annuler son élection avaient été commises par ses agents légaux, mais hors de sa

*To appear in Montreal Law Reports, 4 S.C.

connaissance personnelle, pouvait, plus tard, alors que le pétitionnaire qui n'avait ni accepté, ni refusé cette admission, avait déclaré poursuivre la cause pour déqualification personnelle, signer et produire un *retraxit;* et que l'effet de ce *retraxit* a été d'annuler cette admission qui n'a plus formé partie de la preuve.—*Faille* v. *Lussier*, Johnson, Taschereau, Loranger, JJ., 23 mai 1888.

Quebec Controverted Elections Act—Requête civile against Judgment.

Held:—That after the Court has, in compliance with the provision of the Quebec Controverted Elections Act, 1875, transmitted to the Speaker its report and a certified copy of the judgment in an election case, it is dispossessed of the case, and cannot entertain a *requête civile* asking for the revocation of the judgment on the ground of fraud or surprise.—*McQuillen* v. *Spencer*, Johnson, Loranger, Tait, JJ., Jan. 31, 1888.

Railway Company—Residence—C. C. 29—Security for costs.

Held, 1. A railway company, being a corporation, can have only one residence, and that, its head office. A railway company that has its head office out of the province of Quebec must give security for costs.

2. The defendants, although residing in the United States, may ask that the plaintiff be ordered to give security without the defendants being themselves liable to furnish security.—*Canada Atlantic Ry. Co.* v. *Stanton et al.*, Globensky, J., Sept. 7, 1888.

Tax on corporations—45 Vict. (Q.), ch. 22—Street Railway—Taxation—Mileage.

Held:—That the Act 45 Vict. (Q.), ch. 22, which imposed an annual tax of $50 on City Passenger Railway Companies, for each mile of railway or tramway worked, refers to the distances between terminal points, and does not include the length of double, switch and yard tracks.—*Lambe* v. *Montreal Street Ry. Co.*, Davidson, J., June 28, 1888.

Deceit—False and fraudulent representations—Exaggeration—Failure of purchaser to complain within a reasonable time.

Held:—That exaggeration by the seller of the value of the thing sold does not constitute a fraud which annuls the contract,—more particularly where the purchaser did not wholly rely upon the seller's statements, but took advice from disinterested parties, and made inquiries as to the value, and did not seek to repudiate the bargain until nine months afterwards.—*Caverhill* v. *Burland*, Davidson, J., June 16, 1888.

APPEAL REGISTER—MONTREAL.

Friday, November 16.

Grand Trunk Railway Co. & Murray.—Motion to dismiss appeal as wrongly taken *de plano*. C. A. V.

Plender & Fitzgerald.—Application for precedence. C. A. V.

Kimpton et al. & Kimpton et al.—Motion to unite causes. C. A. V.

Ross et al. & Ross et al.—Motion for leave to appeal from interlocutory judgment. C.A.V.

Young & Montreal Street Ry. Co.—Motion for leave to appeal from interlocutory judgment. C. A. V.

Horseman et vir & Montreal Street Ry. Co.—Similar motion. C. A. V.

Canadian Pacific Railway Co. & Couture.—Motion to dismiss appeal as wrongly taken *de plano*. C. A. V.

Banque Jacques Cartier & Frechette.—Three appeals. Settled out of Court.

Lewis & Walters.—Heard. C. A. V.

Prowse & Nicholson.—Part heard.

Saturday, November 17.

Plender & Fitzgerald.—Application for precedence granted.

Canadian Pacific Ry. Co. & Couture.—Motion to dismiss appeal granted.

Ross et al. & Ross et al.—Motion for leave to appeal granted.

Galley & Montreal Gas Co.—Motion for leave to appeal from interlocutory judgment. C. A. V.

Canada Shipping Co. & Mitchell.—Motion for leave to appeal. C. A. V.

Canada Shipping Co. & Globe Printing Co.—Motion for leave to appeal. C. A. V.

Prowse & Nicholson.—Hearing concluded.—C. A. V.

Dubreuil & Banque de St. Hyacinthe.—Heard. C. A. V.

Monday, November 19.

Plender & Fitzgerald.—Heard. C. A. V.

National Assurance Co. & Harris.—Heard. C. A. V.

Carle & Parent.—Heard. C. A. V.

Tuesday, November 20.

Canadian Pacific Ry. Co. & Couture.—Motion for leave to appeal. C. A. V.

Cie. Chemin de fer Jonction Montréal & Champlain.—Heard. C. A. V.

Ontario Bank & Chaplin.—Heard. C. A. V.

Lusignan & Rielle.—Heard. C. A. V.

Wednesday, November 21.

Galley & Montreal Gas Co.—Motion for leave to appeal from interlocutory judgment rejected.

Young & Montreal Street Ry. Co. Horseman et vir & Montreal Street Ry. Co.—Motion for leave to appeal from interlocutory judgment rejected.

Canada Shipping Co. & Mitchell; Canada Shipping Co. & Globe Printing Co.—Motion for leave to appeal from interlocutory judgment granted.

Kimpton & Kimpton.—Motion to unite cases rejected.

Grand Trunk Ry. Co. & Murray.—Motion to reject appeal *de plano* granted. Motion for leave to appeal granted.

Montreal Street Railway Co. & Ritchie.—Motion to reduce amount of security rejected.

Hardy & Filiatrault.—Judgment confirmed.

Gerhardt & Davis.—Motion to dismiss appeal. C. A. V.

Ross et vir & Ross et al.—Motion for leave to appeal granted.

The Queen v. *Jacob.*—Reserved case heard. C. A. V.

Thursday, November 22.

Cie. Grand Tronc & Corp. Ville de St. Jean.—Heard. C. A. V.

Stefani & Monbleau.—Heard. C. A. V.

Lynch & Poitras.—Heard. C. A. V.

Archambault & Poitras.—Part heard.

Friday, November 23.

Lynch & Poitras.—Hearing concluded. C. A. V.

Archambault & Poitras.—Hearing concluded. C. A. V.

Le Maire et le Conseil de Sorel & Vincent.—Heard. C. A. V.

Milliken & Bourget.—Heard. C. A. V.

Eastern Townships' Bank & Bishop et al.—Two appeals. Heard. C. A. V.

Saturday, November 24.

Howard & Yule.—Motion for leave to appeal from an interlocutory judgment granted.

Ayer & McBean.—Confirmed, Cross, J., dissenting.

Hampson & Wineberg.—Reversed, and case referred to experts, each party to pay his own costs on the present appeal.

Guyon & Chagnon.—Confirmed.

Montreal City Passenger Ry. Co. & Bergeron.—Confirmed.

Gareau & Cité de Montréal.—Reversed; each party paying his own costs in both courts.

Cadwell & Shaw.—Judgment of Court of Review reversed.

Bruce & Rowat.—Confirmed.

Holland & Mitchell.—Reversed.

Gillies & Whelan et al.—Confirmed.

Brossard & Canada Life Assurance Co.—Confirmed.

Banque Ville Marie & Mallette.—Reversed.

Downie & Francis.—Confirmed.

Monday, November 26.

Baxter & Fuhey.—Motion to dismiss appeal rejected.

Gonzalez & Davie.—Motion for leave to appeal from interlocutory judgment. C. A. V.

Longtin & Robitaille.—Heard. C. A. V.

Evans & Moore.—Heard. C. A. V.

Thibaudeau & Benning.—Part heard.

Tuesday, November 27.

Canadian Pacific Ry. Co. & Couture.—Motion for leave to appeal from interlocutory judgment rejected without costs.

Gerhardt & Davis.—Motion to dismiss appeal rejected.

Gonzalez & Davie.—Motion for leave to appeal from interlocutory judgment rejected.

The Queen v. *Jacob.*—Conviction maintained, Doherty, J., dissenting.

Plender & Fitzgerald.—Judgment confirmed.

Haight & City of Montreal.—Reversed.

Racine & Morris.—Confirmed.

Dean & Drew.—Confirmed.

Chapman & Banque Nationale.—Confirmed.

Thibaudeau & Benning.—Hearing concluded. C. A. V.

Dominion Oil Cloth Co. & Coallier.—Motion of respondent for leave to plead *in forma pauperis* granted.

The Court adjourned to Friday, December 21.

PARISH REGISTERS IN ENGLAND.

The discussion which has taken place in regard to parish registers is a feature of the interest now taken in genealogical research evidenced by the large attendance at the manuscript room in the British Museum, the Record Office, and the literary search room in Somerset House, and the frequency with which the depositories of records, public and private, are resorted to for information. The domestic life of England for the past 350 years is written more or less distinctly in the parish registers of the country. The distinctness of the record varies according to the history of the district or parish in question. For example, no one who has had experience in the collection of evidence can have failed to observe that the authentic records of Wales are among the more indistinct. Posterity has largely to rely on the Church as the chronicler of the past, and probably because the principality was not easily accessible to the influence of the central authority the Welsh clergy appear to have been behind their brethren in this duty, which failing extends to bordering districts, such as Cheshire, aided no doubt by demoralising influences which attached to all bordering parts. For kindred reasons Scotch parochial records have an almost equally low reputation. Distance, however, is not necessarily the test, as many of the most complete registers are found in Cornwall. Local accidents on a large scale, such as the Fire of London, account for the loss of some registers, but as a rule registers that have perished by fire have succumbed to carelessness in their custody. Too often they have been entrusted to the parish clerk, and have even been devoted to the uses of her master's dinner by the cook at the vicarage. Many of these losses would have been avoided if the injunctions requiring a coffer with locks for the register in every parish has been carried out more faithfully.

The institution of parish registers in England appears to be due to a hint taken by the Lord Cromwell, Lord Privy Seal and Vicar-General to King Henry VIII. from his travels in Spain when a youth. In the year 1497 Cardinal Ximenes ordered registers to be kept throughout that country for the special purpose of warning those about to marry of any spiritual relationship through godfathers or godmothers which might exist between the parties which would make the marriage voidable—a state of law which appears to have provided facilties for obtaining a divorce at the will of either of the parties. Accordingly, in every parish registers were required to be kept, in which were entered the date and the names of the baptized, their parents, godparents, and the witnesses to the ceremony. The dissolution in 1536 of the monasteries deprived England, of what were, however imperfectly, the sole depositories of the accumulated facts of domestic history, as the Lord Cromwell, who was their visitor the year before, well knew. His injunction was issued in the year 1538, although there is some evidence of registers being enjoined two years earlier, and it directed a book and coffer with two locks to be provided in each parish, and ordered the parson weekly, before the wardens, to write and record in the book all the weddings, christenings, and burials made the week before, subjecting him for disobedience to a fine of 3*s.* 4*d.*, to be employed in repairing the church. This injunction, confirmed by Edward VI. and Elizabeth, contains the nucleus of the present law of the subject. Two attempts to pass bills for a central system of registration were made in 1562 and 1590; and in 1597 a regulation, approved by the Convocation of Canterbury and sanctioned by the queen under the great seal, was issued, providing that parchment books should be purchased at the expense of the parish in which were to be written the names of those baptized, married, or buried during the reign of the queen, taken from the old paper-books, as well as all future baptisms,

marriages, and burials, the transcripts to be certified by the clergymen and churchwardens at the bottom of each page. To compliance with this order we owe the preservation of most of the registers previous to 1597. It was further provided that copies of the registers should annually within a month after Easter be transmitted by the churchwardens to the registrar of the diocese, to be received by him without fee, and faithfully preserved in the episcopal archives. It is to be feared that this faith was hardly kept, as although gaps in parish registers can sometimes be supplied by the transcripts, yet these documents are in general found to be unsorted and in a dilapidated condition. The seventienth canon of 1603, in its turn, directs a fresh transcription of the old registers, especially from 1588, thus affording a fresh chance for duplicate registers. The injunction of the Lord Cromwell, and the order for transcripts to be sent to the bishop's registry, are otherwise confirmed with the addition that a 'sure coffer' with three locks, and keys for each of the chief officials of the church, are to be provided, and the entries are required to be made in the register on the Sabbath day for the preceding week, in the presence of the churchwardens. These coffers are still to be seen in many parish vestries, but in accordance with section 4 of 52 Geo. III. c. 146, ought to be replaced by 'a dry, well-painted iron chest, constantly kept locked in some dry, safe, and secure place within the usual place of residence of the rector, vicar, curate, or other officiating minister if resident within the parish or chapelry, or in the parish church or chapel.' The section continues, 'the said books shall not be taken or removed from or out of the said chest at any time or for any cause whatever except for purpose of making such entries therein as aforesaid or for the inspection of persons desirous of making search therein, or to be produced as evidence in some Court of law, or to be inspected as to the state and condition thereof.' These duties are imposed on and the custody of registers given solely to the parson. Annual copies are to be made by him or a churchwarden, and copies are to be transmitted to the diocesan registrar on or before June 1 in each year; and the schedules of the Act provide forms of entries to be made in books of parchment or good and durable paper to be provided by Her Majesty's printer.

The history of the law of registers shows that at the end of the sixteenth and beginning of the seventeenth centuries it was found necessary to remind the clergy of their duties by frequent injunctions to observe the law and recopy their register. There is a lull in the history of the subject until we come to the year 1812, when the statute of that year provides the law on the subject down to the present day, with one exception—namely, that so far as the form of the registration of marriages is concerned that Act was repealed by 6 & 7 Wm. IV. c. 86, section 31 of which provides a new form. The difficulty about the Act of Geo. III. is that a strange accident appears to have happened to it during its passage through Parliament. By section 18, all fines and penalties are to go one-half to the informer and the other to the poor of the parish, a remarkable destination for the sole penalty in the Act—namely, fourteen years; transportation for a false entry. The clauses providing penalties for the neglect of the duties imposed by the Act appear to have slipped out during its progress through Parliament. The title extends to the registration of births as well as baptisms, but nothing is said in the Act about births, the registration of which does not come within the proper functions of the parson of the parish, although the date of the birth is sometimes inserted in the register, especially when the child is his own. In that case he has been known to give even the hour of the event. 'Son and heir,' also, occurs sometimes, but is equally supererogatory. The distinction between the duties of the parson and those of the public registrar was emphasised when the Act 6 & 7 Wm. IV. c. 86, for registering births, deaths, and marriages in England, was passed. That Act required every clergyman of the Church of England to keep the marriage registers in duplicate, and provided a machinery for registering births and deaths. In regard to marriages, the parish register and the general register overlap, but births and deaths record distinct events from baptisms and burials. The one

is the more useful to the statistician, the other to the lawyer. The registration of a baptism is less liable to fraud than that of a birth. Every baptism registered must at least bear reference to a child produced to the celebrant, whereas births may be registered on mere statements. Similarly, a burial can hardly be registered unless there is at least a dead man. For this reason the function of the clergyman is still of great importance, and the revival of the practice of periodical transcriptions of the registers would seem the best remedy for the evil of perishing registers of which complaint is made. A fresh injunction on the lines of its predecessors might be issued with the authority of the Crown as the head of the Church, with or without the sanction of Convocation, or an Act of Parliament might be passed. To take the original registers out of the parish and out of their natural custody is unnecessary, and would be undesirable.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Dec. 1.

Judicial Abandonments.

Pierre Charles D'Auteuil, merchant, Quebec, Nov. 23.

Lorena A. Merriman, Myra Olive Sutton and Luman Everett Sutton (Sutton & Sutton), traders, Barnston, Nov. 24.

David Ethier, trader, St. Eustache, Nov. 29.

Maxime H. Loranger, trader, Sherbrooke, Nov. 28.

Duncan McCormick and David Bryson, traders, Montreal, Nov. 26.

Louis M. Trottier, St. John's, Nov. 28.

Curators appointed.

Re Ezra Bigelow.—C. H. Kathan, Rock Island, curator, Nov. 12.

Re Alphonse Busseau & Co., tobacconists, Montreal.—S. C. Fatt, Montreal, curator, Nov. 28.

Re Samuel Chagnon, St. Paul l'Ermite.—Kent & Turcotte, Montreal, joint curator, Nov. 24.

Re L. Chandonnet, Three Rivers.—Kent & Turcotte, Montreal, joint curator, Nov. 23

Re Walter Gibbs, Montreal.—Bilodeau & Renaud, Montreal, joint curator, Nov. 21.

Re A. Houle & Cie.—C. Desmarteau, Montreal, curator, Nov. 28.

Re Jean Leroux, Cedars.—Kent & Turcotte, Montreal, joint curator, Nov. 24.

Re Samuel Myers, jeweller, Montreal.—S. C. Fatt, Montreal, curator, Nov. 28.

Re B. L. Nowell & Co., merchants, Montreal.—S. C. Fatt, Montreal, curaror, Nov. 28.

Re Jean Sallafranque.—J. Cartier, Jr., Montreal, curator, Nov. 28.

Dividends.

Re Thos. McCord, merchant, Quebec.—Second and final dividend, payable Dec. 16, H. A. Bedard, Quebec, curator.

Re Helen Nugent, trader, Chicoutimi.—Second and final dividend, payable Dec. 16, H. A. Bedard, Quebec, curator.

Separation as to property.

Tharcile Petit dit Lalumière vs. Toussaint Désiré Roy, Montreal, Nov. 19.

Minutes of notaries transferred.

Minutes of late G. T. Tremblay, Quebec, transferred to G. P. Chateauvert, N.P., Quebec.

Minutes of late J. M. Lefebvre, Knowlton, and late Jos. Lefebvre, Waterloo, transferred to Ernest Fleury, N.P., Knowlton.

Quebec Official Gazette, Dec. 7.

Judicial Abandonments.

Jean Bte. Brousseau, trader, La Patrie, Nov. 29.

James Johnstone, Drummondville, Nov. 29.

George Mauger, trader, Ste. Adelaide de Pabos, Nov. 24.

Louis Felix Roy, trader, St. Felicien du Lac St. Jean, Dec. 4.

John Russell, trader, Montreal, Nov. 29.

Curators Appointed.

Re Dame M. Bélanger, Montreal.—Kent & Turcotte, Montreal, joint curator. Dec. 5.

Re John Donaghy, boot and shoe dealer, Montreal.—A. W. Stevenson, Montreal, curator, Dec. 5.

Re Gosselin & Co., Montreal.—Kent & Turcotte, Montreal, joint-curator, Dec. 5.

Re L. & F. Higgins, Montreal.—Kent & Turcotte, Montreal, joint curator, Dec. 5.

Re E. B. D. Lafleur, Bryson.—J. McD. Hains, Montreal, curator, Nov. 30.

Re McCormick & Bryson, Montreal.—J. C. McCormick, Montreal, curator, Dec. 5.

Re Louis Pigeon, butcher, Lachine.—C. H. Parent, Montreal, curator, Dec. 5.

Re Louis M. Trottier, St. Johns.—J. O'Cain, St. Johns, curator, Dec. 5.

GENERAL NOTES.

MEETING OF PARLIAMENT.—Notice is given that the Parliament of Canada is to meet on Thursday, Jan. 31st.

SALE OF A HORSE.—A warranty of a horse, subject to the horse being returned within a specified time, allows the purchaser to sue for its breach if he was prevented from fulfilling the condition through the horse injuring itself (*Chapman* v. *Withers*, 57 Law J. Rep. Q. B. 457).

UNLAWFUL MARRIAGE. — Notice is given in the Quebec Official Gazette of a bill to legalize the marriage, on the 12th March, 1878, of Odilon Mongenais to Marie Anny McMillan, notwithstanding Art. 126, C.C.