The Legal News.

Vol. VII. DECEMBER 13, 1884. No. 50.

BUSINESS IN APPEAL.

The November Term began at Montreal on the 15th ult. with 80 cases inscribed. This was a decrease of 36 cases as compared with the November Term of 1883. The additional Terms of last winter account for the difference. Judgment was pronounced during the Term in 23 cases; the judgment of the court below was affirmed in 18 cases, reversed in 4 and reformed in 1 case. Eighteen cases were heard during the term, nine of which (the Provincial Tax cases) were argued together. We give elsewhere a *résumé* of each day's proceedings, which, we think, will be of interest, both to town and country readers, and often facilitate search as to the fate of particular cases.

THE BEST MODE OF EXECUTING CRIMINALS.

The *Lancet* says:—"At length it is beginning to be recognised in France that the brain of a decapitated criminal lives, and consciousness is maintained, for an appreciable time, which to the victim may seem an age, after death—an opinion we strongly expressed many years ago. This ghastly fact, as we have no doubt it is, being perceived, it is beginning to be felt that executions cannot any longer be carried out by the guillotine. Prussic acid is now proposed. If instantaneous death be desired, this is clearly inadmissible. The period taken to terminate life by poison of any kind must needs vary greatly with the individual. In not a small proportion of instances we fancy death by prussic acid would be considerably protracted, and, although long dying is not so horrible as living after death—so to say—yet it is strongly opposed to the interests of humanity to protract the agony of a fellow creature dying by the hand of justice. Electricity is another agent suggested. We doubt the possibility of applying this agent so as to destroy life instantly. We confess that, looking at the matter all round, we incline to think that hanging, when properly performed, destroys consciousness more rapidly, and prevents its return more effectually, than any other mode of death which justice can employ. It is against the bungling way of hanging we protest, not against the method of executing. That is, on the whole, the best, we are convinced."

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, Nov. 26, 1884.

Before DORION, C. J., RAMSAY, TESSIER, CROSS and BABY, JJ.

DORION (deft. below), Appellant, and DORION (plaintiff below), Respondent.*

Procedure—Account.

Where a defendant, in an action asking for an account of his administration of real estate under a special agreement, pleads, first, that he has never been put in default to render an account, and has always been ready to account, and files an account with his pleas, and further pleads that he owes nothing under the alleged agreement, *held*, that the account accompanying his plea will not be rejected on motion as irregular and prematurely filed.

2. An account rendered in such case should not be rejected on motion, on the ground that the chapter of disbursements contains items having no apparent connection with the administration of the property, this being a question to be determined only on a *débat de compte.*

Judgment reversed.

Dalbec & Madore for the Appellant.
Geoffrion, Counsel.
Pagnuelo & Lanctot for the Respondent.

SUPERIOR COURT.

MONTREAL, Nov. 28, 1884.

Before LORANGER, J.

LOVEJOY v. CAMPBELL, and THE PROTESTANT BOARD OF SCHOOL COMMISSIONERS, T.S.*

Salary of School-teacher — 38 Vic., cap. 13—Public employee—C. C. P. 628.

The defendant was a teacher in the em-

*To appear in Montreal Law Reports.

ploy of the Protestant Board of School Commissioners of Montreal. His salary being seized under a judgment, he claimed exemption under 628 C. C. P.

Held, that the provisions of 38 Vic., Cap. 12, which subject a portion of the salaries of public employees to seizure, do not apply to the salary of school teachers under the control of the Boards of School Commissioners, and that under C. C. P. 628 their salary is exempt from seizure.

Kerr, Carter & Goldstein for the plaintiff.
Downie & Lanctot for the defendant.

COUR DE REVISION.

QUEBEC, 30 oct. 1884.

Coram STUART, CARON et BOURGEOIS, JJ.

SENECAL v. CHOQUETTE.

Procédure—Faits et Articles—Preuve.

Le présent jugement de la Cour de Révision, infirme un jugement de la Cour Supérieure de Montmagny, par lequel le défendeur avait été condamné à payer au demandeur la somme de $50 de dommages pour injures verbales. Le demandeur réclamait $12,000 par son action.

Le jugement de la Cour de Révision est très explicite par lui-même, et nous le donnons en entier:

" La Cour, etc.

" Considérant que le dit demandeur en vertu d'un ordre valide, a été, le 14 janvier dernier, dument assigné à répondre le quinzième jour de février alors prochain et maintenant dernier, à certains interrogatoires sur faits et articles annexés au dit ordre ;

" Considérant que le dit demandeur dument assigné n'a pas répondu aux dits interrogatoires le dit jour, quinze février dernier, ni depuis ;

" Considérant que le dit demandeur n'a jamais offert de répondre aux dits interrogatoires sur paiement de ses frais de déplacement ;

" Considérant que les interrogatoires numéros cinquième et sixième annexés aux dit ordre, étaient pertinents à la contestation mue entre le défendeur et le demandeur ;

" Considérant qu'il résulte de la preuve faite par les parties en cette cause que le dit défendeur n'a pas proféré sur le compte du demandeur les accusations mentionnées en la déclaration, que les paroles dont le défendeur s'est servi en parlant du demandeur ne comportait aucune imputation directe de malhonnêteté, et que le défendeur n'a causé aucun dommage au demandeur ;

" Infirme le jugement rendu le quatrième jour de juillet dernier contre le dit défendeur en faveur du demandeur par la Cour Supérieure siégeant dans et pour le District de Montmagny, et rendant le jugement que la dite Cour aurait dû rendre, déclare avérés les faits articulés dans les dits interrogatoires numéros cinq et six, et renvoie l'action du dit demandeur avec dépens de la Cour Supérieure et les dépens de la Révision en faveur du défendeur.

J. G. Bossé pour le demandeur.
P. Aug. Choquette pour lui-même.
(P.A.C.)

SUPERIOR COURT.

SHERBROOKE, Feb. 26, 1884.

Before BROOKS, J.

McFARLANE v. McNEECE.

Capias—Intent to defraud.

Held, that where a debtor who in 1875 *had secreted his property and left Canada with intent to defraud, came temporarily into the Province in* 1882, *and was capiased as he was again leaving, that the secretion and departure in* 1875 *coupled with intention of again leaving in* 1882, *were sufficient ground for the arrest ; and the capias was declared good.*

PER CURIAM. The defendant was arrested under a capias in November 1882. The affidavit alleges that in 1875 defendant secreted his property and absconded and has since resided in a foreign country, is now temporarily in Quebec, about to leave for England.

Defendant petitions against this and alleges the allegations of the affidavit to be untrue.

Defendant, a physician, was residing and practicing in Bury; after the rendering of judgment in favor of plaintiff, defendant sold at auction all his moveables and left Bury. It is shown that he was indebted to various parties, and that his movables must have sold for considerable; one witness states he paid his debts as far as he was able from the

proceeds, but can give no details; he was owing plaintiff but paid him nothing.

Defendant then left and apparently was employed as surgeon on the Allan Line between Liverpool and Quebec, and afterwards between Liverpool and Africa and Liverpool and New York.

In November 1882, plaintiff finds him in Quebec on the point of leaving for Liverpool and arrested him. Was he justified in so doing? After leaving Bury it would appear that the defendant married again and had his domicile in England, he certainly divested himself of all his property in this country, perhaps paying some of his creditors to the detriment of others; this was a legal fraud, and plaintiff might then have arrested him.

Having failed to do so, is plaintiff now, when he finds him, after long absence in foreign countries, within the jurisdiction of this Court, debarred from so doing?

The case of *McKenzie & Shaw*, was when a merchant was going and had been in the habit of going to Europe and returning to his domicile here. In *Hurtubise* v. *Bourret* it was not alleged where the debt was contracted (23 L. C. J. 130). In the cases of *Henderson* v. *Duggan*, and *Paulet* v. *Autaya*, the circumstances disproved *any fraudulent intent.*

Defendant certainly did in law secrete his property, for he sold all he had without applying any of the proceeds to pay plaintiff. He left the country for many years, residing in foreign parts, and making no attempt to pay his debts, he never communicated with his creditors, though he was in constant employment as a professional man, presumably getting adequate remuneration.

What is intent to defraud? In this case he had for years kept out of the jurisdiction of our courts, and was again leaving when arrested.

When he left Bury he did so under extremely suspicious circumstances; it is shown that he meditated how to get away without paying his debts, prevaricating, and in the end insulting his creditor.

I think he was, even under the strict interpretation which some of our Judges place upon the law of capias, liable to arrest.

H. B. Brown for plaintiff.
J. W. Merry for defendant.

COURT OF APPEAL REGISTER.

MONTREAL, Nov. 15.

Bury & Samuel.—Motion to proceed *ex parte.*—C. A. V.

Molson & Starnes, & The Hon. E. J. Flynn, respondent *par reprise d'instance.*—Motion of appellant, to force the Hon. E. J. Flynn to take up the *instance* in the place of the Hon. Mr. Starnes.—Granted.

Dorion & Crowley.—Motion to dismiss appeal.—Granted as to costs by consent.

Malbœuf & Laurendeau.—Motion to dismiss appeal.—Granted as to costs.

Nov. 17.

Montreal, Portland & Boston Railway Co. & Hatton.—Heard on motion of respondent to set aside appeal bond.

Dorion & Dorion (No. 120).—Part heard.

Nov. 18.

Dorion & Dorion (No. 120).—Argument concluded; C. A. V.

Reilly & Hannan.—Heard; C. A. V.

Virtue & Vaillancourt.—Part heard.

Nov. 19.

Bury & Samuel.—Motion to proceed *ex parte* rejected with costs.

Merriman & Burroughs.—Motion for leave to appeal from interlocutory judgment, rejected with costs.

Montreal, Portland & Boston Railway Co. & Hatton.—Motion to reject security bond granted; bail bond set aside; eight days to enter new security.

Sipling & Sparham Fireproof Roofing Co.—Judgment confirmed.

Reed & Sparham Fireproof Roofing Co.—Judgment confirmed.

Hogan & City of Montreal.—Judgment reversed.

Ouimet & Normandin.—Judgment confirmed.

Lighthall & Craig.—Judgment confirmed.

Foley & Cressy.—Judgment confirmed.

Gaudin & Ethier.—Judgment confirmed.

Virtue & Vaillancourt.—Argument concluded; C. A. V.

Les Curé & Marguilliers de l'Œuvre & Fabrique de Varennes & Choquet.—Motion for substitution granted. Heard on the merits; C. A. V.

Black & Shorey.—Heard; C. A. V.

Ross & Langlois.—Heard; C. A. V.

Nov. 20.

Cuthbert & Evans, & Clarina.—Motion for substitution, granted by consent.

Wadsworth & McCord.—Parties heard as well on the motion of respondent to quash appeal as on the motion of appellant to file bailiff's return; C. A. V.

Stanton & Canada Atlantic Railway Co. & Bank of B. N. A. et al.—Part heard on merits of interlocutory judgment.

Nov. 21.

Stanton & Canada Atlantic Railway Co., & Bank of B. N. A. et al.—Argument concluded; C. A. V.

Lambe & Canadian Bank of Commerce.—The parties file a consent that Justices Tessier and Cross do sit in this cause.—Cause part heard on merits.

Nov. 22.

Lambe & Canadian Bank of Commerce.—Hearing on merits resumed and continued until the adjournment of the Court.

Nov. 24.

La Corporation du Village Chambly & Scheffer.—Judgment confirmed.

La Cie. du Chemin de fer Montreal & Sorel & Vincent et al.—Judgment confirmed.

Senécal & Villette et al.—Motion for *congé d'appel* granted for costs.

Hubert & The City of Montreal.—Judgment reversed with costs; motion for appeal to Privy Council granted.

Lambe & Canadian Bank of Commerce.—Hearing resumed and continued until the adjournment.

Nov. 25.

Montreal, Portland & Boston Railway Co. & Hatton.—Motion of appellants, that the appeal bond already made and filed in this cause be held to be sufficient. The appellant filed duplicate of consent to execution. The respondent present in Court not objecting, the motion was granted.

Bell & Court, & McIntosh.—Motion to dismiss appeal, heard *ex parte*; C. A. V.

Lambe & Canadian Bank of Commerce.—Hearing resumed and closed; C. A. V.

Note.—With this case were also submitted the following :—

Lambe & Merchants Bank of Canada.—C. A. V.

Lambe & The Ontario Bank.—C. A. V.

Lambe & The Molsons Bank.—C. A. V.

North British & Mercantile Insurance Co. & Lambe.—C. A. V.

Williams Manufacturing Co. & Lambe.—C. A. V.

Lambe & The Bank of Toronto.—C. A. V.

Ogdensburg Coal & Towing Co. & Lambe.—C. A. V.

Export Lumber Co. & Lambe.—C. A. V.

Biron & Trahan.—Heard on merits; C. A. V.

Deschenaux & Lizotte.—Part heard.

Nov. 26.

Bell & Court, & McIntosh.—Motion to dismiss appeal rejected without costs.

La Corporation du Bout de l'Isle & Reburn.—Judgment confirmed, Ramsay, J., dissenting.

Dunn & Wiggins.—Judgment confirmed.

Simpson & The Corporation of Ormstown.—Judgment confirmed.

Dorion & Dorion (No. 585).—Judgment reversed.

Poitras & Lalonde.—Judgment confirmed.

Deschenaux & Lizotte.—Hearing resumed and continued until adjournment.

RÈGLE.

Lorsque les causes de la campagne sont fixées à un jour, et que ce jour ne suffit pas pour en disposer, alors le jour suivant leur est réservé, et de même de jour en jour jusqu'à épuisement du rôle des causes de la campagne à l'exclusion des causes de la ville.

Nov. 27.

Beauchamp & Letourneux.—Judgment confirmed.

APPEL DES CAUSES PERIMÉES.

Joseph & Saunders.—Appeal dismissed.

Maclaren & La Société de Construction Métropolitaine.—Appeal dismissed.

Federal Bank & Brown.—Appeal dismissed.

Parker & Stewart.—Appeal dismissed.

Pangman & Lamarche.—Appeal dismissed.

Pangman & Buchanan.—Appeal dismissed.

Deschenaux & Lizotte.—Hearing resumed and concluded.

Pillow et al. & Cour du Recorder.—Heard on merits; C. A. V.

The Court adjourned until December 9 for judgments.

Dec. 9.

Senecal & Hatton.—Judgment reformed. Both parties move for leave to appeal to the Privy Council. Motions granted by consent.

Black & Walker.—Judgment confirmed, Monk and Cross, JJ., dissenting.

Canada Paper Co. & McDougall.—Judgment confirmed.

St. Arnaud & Leonard.—Judgment confirmed.

Bruneau & Benoit.—Judgment confirmed.

Eaton & Murphy.—Judgment confirmed.

La Cie du Chemin de Péage & Leclerc.—Judgment reversed.

RECENT DECISIONS AT QUEBEC.

Resolution of County Council. — Jugé, 1o. Qu'il y a ouverture à la voie de cassation devant la Cour de Circuit, d'une décision ou résolution d'un conseil de comté, même siégeant en appel d'un règlement du conseil local, si le conseil de comté commet une illégalité.

2. Que c'est le cas d'appliquer les articles 100 et 698 qui ont rapport à tous les conseils municipaux, locaux ou de comté.—*La Corporation de St. Maurice* v. *Dufresne*, (Queen's Bench), 10 Q. L. R. 227.

Exclusion of Community. — Jugé, 1. Que dans le cas d'exclusion de communauté, le mari n'a que l'usufruit des biens meubles de sa femme à qui reste la propriété de tous ceux qui ne sont pas fongibles ; qu'en conséquence le mari ne peut les aliéner, ni les créanciers du mari les saisir.

2. Que sous le régime d'exclusion de communauté, la preuve testimoniale est admise relativement aux meubles acquis par la femme depuis le mariage. — *Hôpital Général* v. *Gingras*, et *Lacroix*, oppt. (Superior Court, Casault, J.), 10 Q. L. R. 230.

Marine Insurance.—Held, that in an action for total loss on a policy of marine insurance, the plaintiff may recover for a partial loss.—*The Merchants Marine Insurance Co & Ross* (Queen's Bench), 10 Q. L. R. 237.

Freight — Goods damaged in unloading.—Held, that the master of a vessel is entitled to recover freight on the cargo delivered at the port of destination, though the goods have been damaged in unloading.

2. The recourse of the consignee may be in damages, by plea or incidental demand, to recover the loss sustained.—*Halcrow* v. *Lemesurier*, (Queen's Bench), 10 Q. L. R. 239.

Petitory Action — Demurrer.— In a petitory action, to which the defendant demurred on the ground that the plaintiff had not alleged his title nor that of his *auteurs*, nor that the same were enregistered, *held*, over-ruling the demurrer, that such allegations were not necessary, and that the averment that the plaintiff's *auteurs* were, at the time of the sale to him, proprietors in open, public and peaceable possession of the land so sold, in virtue of good titles, was sufficient to render the declaration non-demurrable on the grounds urged by the defendant. — *Ross* v. *Lefebvre* (Court of Review), 10 Q. L. R. 244.

Controverted Elections Act, Canada—Corrupt Influence —Freedom of the press.—Jugé, 1. Que le fait de promettre de payer, ou de payer des comptes dus pour une élection antérieure, constitue une manœuvre frauduleuse.

2. Que l'engagement de charretiers pour mener voter les électeurs le jour de la votation constitue aussi une manœuvre frauduleuse.

3. Que la presse a droit de discuter la légalité d'un arrêt du tribunal, mais que si, en faisant sa critique, elle s'écarte de la vérité, elle devient justiciable du tribunal, pour mépris de Cour.—*Dussault et al.* v. *Belleau* (Superior Court, Caron, J.), 10 Q. L. R. 247.

THE COLERIDGE LIBEL CASE.

The action of *Adams* v. *Coleridge*, tried last week, reads more like a passage from one of those novels in which the late Mr. Anthony Trollope delighted to confide to his readers the domestic perplexities of persons in high places than a chapter out of real life. No advantage is to be derived from discussing the moral and social aspects of the case. Chief Justices have had trouble with their daughters before. Lord Coke, when he wished his daughter to marry according to his own choice, put on breastplate and sword and stormed the house in which she had taken refuge, pledging his knowledge of law that those who resisted him might be guilty of murder, while those on his side would be justified. Lord Coleridge is entitled to disapprove of a son-in-law none

the less because he happens to be Lord Chief Justice, and to enforce this disapproval by the only means in the power of a father towards an adult daughter—namely, by omitting her name from his will. Public opinion, no doubt, expects that a Chief Justice in such circumstances will not act out of caprice, but according to equity. It must be assumed that this natural expectation has not been disappointed, in the absence of any material to form an independent judgment. That material is not in existence; and without knowing all the circumstances, it is unfair to suggest that anything but justice has been done. The action of libel brought against Lord Coleridge's son by the intended husband in respect of a letter written to Miss Coleridge raises, however, in itself sufficiently important questions both in legal administration and the law of libel to merit full discussion.

The first question deserving inquiry is how Mr. Justice Manisty discharged the very delicate task of trying a case in which the interests of the chief of the bench on which he sits were directly involved. It is unlucky that the course adopted by the learned judge was such as not to satisfy the public. His action in declining to nonsuit the plaintiff in the first instance, and, immediately after the verdict of the jury for £3,000 damages, entering judgment, with costs, for the defendant, was easily open to misconstruction. It looked like a contemptuous treatment of the verdict of a jury in the interests of a brother judge. That nothing of the kind was intended is obvious to every lawyer, but difficult for laymen to understand. The only fault, if such it was, of the learned judge was in not regulating his conduct in a case of such sensational interest so as not to be misunderstood by the world at large. The course taken was, in fact, the most favourable that could be taken for the plaintiff. The learned judge was clearly of opinion that the occasion was privileged, and that there was no evidence of malice. Still the Court above him might be of a different opinion, and in order to avoid putting the plaintiff to the expense and annoyance of a new trial, if the other judges should differ from him, the learned judge allowed the question to go to the jury and the damages to be assessed. The practice before the Judicature Acts, in such circumstances, was to let the case go to the jury, and to reserve leave to the defendant to move to enter a nonsuit, but this practice was rescinded in December, 1876. After the jury had given their verdict the judge might have declined to give judgment, and left the parties to move (Order XXXVI., rule 39). This practice was not uncommon in the early days of the Judicature Acts, but it is now unusual. Since the passing of the Judicature Act, 1876, which by section 17 requires that the action shall be disposed of by the judge at the trial, it is considered that the parties are entitled to the opinion of the judge who tried the case. The only other course open was simply to nonsuit the plaintiff. This is a course not infrequently followed by judges during their first years on the bench, but experienced judges hardly ever resort to it, knowing that it too often exposes the parties to a second trial. The criticisms, therefore, which have been made on Mr. Justice Manisty for 'overruling' the verdict of the jury proceed from want of knowledge of the procedure of the Courts, just as any suggestion of motive proceeds from a total ignorance of the character of the judge, and is at once repudiated by every lawyer who hears it. The mention of costs was due to a slip on the part of the Attorney-General. The costs followed the event—that is, the judgment—and the defendant could only lose them on the application of the plaintiff. Whether Mr. Justice Manisty was right in his two rulings fully deserves consideration. The first ruling, that the occasion was privileged, is supported by a decision of Baron Alderson in 1835, in the case of *Todd* v. *Hawkins*, 8 C. & P. 88. The action was brought against the son-in-law of a lady who, having become a widow, proposed to marry the plaintiff. The learned judge ruled that a son-in-law had sufficient interest in his mother-in-law to create a privilege for a letter written to her remonstrating upon the proposed marriage. The question of express malice was left to the jury, and a verdict found for the defendant. The decision, if it be sound law, covers the present case; but it was only a Nisi Prius decision, and although it bound Mr. Justice Manisty, will not bind the Courts above. The law of privileged occasions is somewhat vague, but,

according to Baron Alderson, an intimate friend of a person about to marry is entitled to give warning against the proposed marriage. It is clear that the line cannot be drawn at relatives, and it is difficult to draw the line at all so as to give a practicable definition, unless it is drawn at parents and guardians. Baron Alderson, in the case referred to, charged the jury to be rather liberal to the writer of such a letter in putting a construction on his motives, but the jury in *Adams* v. *Coleridge* passed a very stern judgment on the defendant. Possibly they misunderstood the frequent objections of the Attorney-General and the rulings of Mr. Justice Manisty against the plaintiff. These interruptions had in reality the effect of keeping the plaintiff straight in the conduct of his case. Whenever he was on the verge of committing an indiscretion which might have ruined his case, he was pulled up either by the judge or the opposing counsel. This may have looked like an attempt at repression, whereas it was in fact guidance, and may partly have accounted for the absurd verdict of £3,000 damages. This amount seems to have been suggested by a desire to compensate the plaintiff for the loss of dower with his intended wife—a consideration totally out of the question. If the jury were right in deciding that there was an excess of privilege, a complimentary sum as damages would have amply sufficed. The verdict having been arrived at, it is not easy to say that it is unsupported by evidence. If a younger brother is privileged to write to his sister defamatory statements of her intended husband, the law must carefully guard against any excess of such privilege. The jury were probably impressed by the tone of Mr. Coleridge's effusion, especially his 'not caring a fig,' his reference to the plaintiff's 'bluster,' and his imputation of sordid matrimonial views, and, above all, by the fact that the defendant, on being informed of the untruth of the statements which he had made, declined to enter into any further communication about them.

It may be assumed that the case will go either to the Divisional Court or the Court of Appeal. If the Attorney-General simply rests on the decision of Mr. Justice Manisty, the plaintiff under Order XL., rules 4 and 5, must apply to the Court of Appeal if he desire to have judgment entered for him. If, however, the Attorney-General desire a new trial, either on the ground that the verdict is against the weight of the evidence, or that the damages are excessive, the Divisional Court will have jurisdiction over both motions. Under the old Rules there would have been two applications—one to the Court of Appeal and the other to the Divisional Court; but by the new Rules, if there is a motion for a new trial as well as a motion to reverse the entry of judgment, the Divisional Court hears both. The verdict of the jury was of course largely due to the fact that the defendant was not called as a witness. It was suggested on his behalf that the information on which he wrote was communicated confidentially, and that he could not go into the witness-box without a breach of confidence. But he did not appear in the witness-box to make this explanation. If he had declined to answer questions the worst that could have happened to him would have been his committal to prison by the judge; and the position of a man sent to prison for refusing to betray the confidence of his friends is not altogether without its consolations. Whether Mr. Justice Manisty be right or whether the jury be right, the result is unsatisfactory either way. If the former, the limits on the right of a brother to remonstrate with a sister on her proposed marriage have not been adequately considered; if the latter, ridiculously excessive damages have been given. — *Law Journal*, (London).

NEW PUBLICATIONS.

THE LAW OF MEDICAL MEN, by R. Vashon Rogers, Jr., of Osgoode Hall, Barrister-at-law: Publishers, Carswell & Co., Toronto.

The subject of his latest work, as may be supposed, affords the author ample opportunity for the display of a great deal of curious lore and the citation of a number of peculiar cases. Mr. Rogers begins with the Druids, as the first medical practitioners in England of whom there is any record. Chirurgery was pretty much restricted to the monks and clergy until the twelfth century, when the Council of Tours

enacted (A. D. 1163) that no clergyman or monk should undertake any bloody operation. From that time the practice of surgery fell into the hands of the barbers and smiths who had previously been employed as assistants and dressers to the ecclesiastical operators. The smiths were soon superseded by the barbers who, in 1461, were incorporated under the name of "The Company of Barbers in London," and none were allowed to practise save those admitted by the company. In 1745 the barbers in turn were ousted by the surgeons. The decisions bearing upon the practice of medicine and surgery are more numerous than might be supposed; and Mr. Rogers does not profess to have exhausted the list. A great many interesting cases, however, may be found bearing upon fees, who should pay the doctor, who may practise, negligence and malpractice, criminal malpractice, expert evidence, defamation, relations of medical men with patients, dissection and resurrection. Even dentists are not forgotten, and they are instructed as to the consequences of pulling the wrong tooth, etc. The works of Mr. Rogers have usually come to us from the other side of the line, although he is a Canadian barrister. The present work, however, appears in a Canadian dress, and is from the well-known house of Carswell & Co. We have already expressed our appreciation of Mr. Rogers, who like the prophets, has less honour in his own country than abroad. We trust that the present venture will make him better known at home.

BRITISH COLUMBIA LAW REPORTS.

The Pacific Province has commenced the task of reporting its judicial decisions, and the work appears to be very creditably executed by Mr. P. AE. Irving, barrister-at-law, formerly of Hamilton, Ont. The reports are published under the authority of the Law Society of British Columbia.

LORRAIN ON LEASE AND HIRE.

We are glad to notice a new book which will form a valuable addition to the too small collection of works on the law of this Province. Mr. Léon Lorrain's "Code des Locateurs et Locataires" (Montreal, 1885: A. Périard, publisher) contains a succinct, but sufficiently complete, exposition of the law of Quebec on the contract of lease and hire of things, including the lease of cattle on shares, and emphyteutic leases. The work is divided into chapters and sections on the plan of the well-known work by Aubry and Rau, and the doctrines laid down are supported by citations of the Articles of the Civil Code and of the decisions of our courts. There are also references to the old French authors and to the commentators on the Code Napoléon; but the citations are commendably short, and the reader's attention is not drawn away from the subject by the lengthy and over-subtle discussion which often renders theoretical treatises of little use to the practitioner. At the same time, the difficulties of the subject do not appear to have been passed over. For instance, the perplexing question arising from the redaction of Article 1657, as to the termination of a verbal lease for a definite period, is well discussed. We also notice a careful treatment of the disputed question whether the expression "to assign his lease," in article 1638, means a cession or sale of the lessee's rights, or merely a subletting of the thing in its entirety.

We may add that the typographical part of the work has been very correctly and neatly done, and is highly creditable to the publisher.

CANADA GAZETTE NOTICES.

Henry B. Beard, Q.C., of Woodstock, Ont., has been appointed deputy judge of the county court of the county of Oxford.

The Union Bank of Lower Canada gives notice of a semi-annual dividend of two per cent.; the Standard Bank of Canada gives notice of a semi-annual dividend of three and a-half per cent.; the Bank of London in Canada of a semi-annual dividend of three and a-half per cent.; the Bank of Commerce of a semi-annual dividend of four per cent.; the Banque de St. Jean of a semi-annual dividend of three per cent.; and the Imperial Bank of Canada of a semi-annual dividend of four per cent.

Letters patent have been issued to "The English and Canadian Wire Fastening Company of Montreal, Canada (Limited)"; capital $300,000; incorporating M. C. Mullarky, Jas. Leggett, A. T. Keegan, M. D. Barr, Louis Côté, and O. E. Lewis. Supplementary letters patent have been issued to the "Black Diamond Steamship Company of Montreal (Limited)," increasing the capital from $300,000 to $500,000.

Notice is given of an application to incorporate the Synod of the Evangelical Lutheran Church of Canada under the name of the "Evangelical Lutheran Synod of Canada"; to authorize the Dominion Grange Mutual Fire Insurance Association to insure against loss by fire the property of members of the Patrons of Husbandry; to authorize the Richelieu and Ontario Navigation Company to issue debentures, etc.