THE LEGAL NEWS.

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The *St. James Gazette* refers to an interesting case relating to the powers of a presiding officer in a deliberative assembly:—"Three judges of the Supreme Court in Scotland have just decided some points of interest respecting the rights of persons attending public meetings. The sheriff substitute of Orkney had sent to prison for four days a Mr. Armour, a Free Church minister, for the offence of disturbing an election meeting, and refusing to submit to the chairman. It appeared that Mr. Armour had desired to put a question to the candidate, and prefaced it with a speech, which the meeting was willing to hear, but the chairman ruled it to be out of order, and Mr. Armour declined to submit to the ruling. Upon this the meeting grew noisy, and the chairman declared it closed. Mr. Armour appealed against the conviction to the court in Edinburgh, and that learned tribunal transmitted an order by telegraph for his liberation until the case could be argued. After argument it quashed the conviction. All the judges agreed that the facts alleged, even if true, amounted to no crime. In a public meeting they held that the chairman has no power except what the meeting gave him; and one of them, Lord Young, once well known in the House of Commons as Solicitor General for Scotland, cited that assembly as the model of all others, and observed that the speaker had no inherent powers, and only acts in the name of the house. Any person present at a public meeting, if he has the support of the majority, is entitled to speak, although the chairman, or a minority, may object."

It is not a new thing for judges to complain of acts of the provincial legislatures passed without consultation with or reference to the bench, but a personal complaint like the following is rare:—Judge Palmer, of St. John, N.B., before taking his seat on the bench of the Equity court last week, said:—"Since the last sitting of the court, the Provincial Legislature has passed an act relative to my office without giving me any notice or intention that such would be done. I do not know what are its provisions, but be they what they may, that act is now part of the law of the land—at least so far as it is *intra vires* of the local Legislature, and although I did suppose, from what I had heard, that false statements to my discredit were made in the Legislature, that a bill was being promoted as personal legislation against myself, the clear effect of which was to degrade and insult me; and although I do not know what its provisions are until I get a copy of it, yet if I then find therefrom that my independence as a judge will be restrained or interfered with and that I cannot, with proper self respect, submit to it, I will consider it my duty to abstain from further acting in the office, except to close any business that I began, until I get the decision in the matter."

In a cable report, in the *N. Y. Herald*, of a case (not named), before Mr. Justice Stephen, an interesting discussion took place upon an old maxim. A farmer was prosecuted for having voted at three different places in one borough. He had three qualifications, and if these had been in different boroughs, his right would have been admitted, but he was not entitled to vote three times for one candidate. The defence admitted the voting, but claimed entire absence of guilty intention. Mr. Justice Stephen stopped the examination of witnesses to prove this, saying: "I do not see what all this evidence goes to prove. Supposing he did think he had the right to vote three times. That does not alter the admitted fact." What ensued is thus reported:—

Mr. Williams quoted the maxim that no act is guilty unless accompanied by a guilty mind (*actus non facit reum, nisi mens sit rea*).

Mr. Justice Stephen (vehemently)—That is a maxim I would give a great deal to know the origin of and its meaning in plain English.

Mr. Williams—An act is never guilty unless the intention is guilty.

Mr. Justice Stephen—If the law says every man who reads his Bible shall be hanged, then the intentional reading of the Bible by a man who never heard that act of Parliament would be a capital crime, and it would be a guilty act, because the law was disobeyed. Of course circumstances go a long way in the matter of punishment.

Mr. Williams—That is why I have been examining witnesses in the manner I have done.

Mr. Justice Stephen—I hope the learned counsel will not feel mortified at these views. I have thought and written a great deal about these things. But with regard to that particular maxim, if the learned counsel will look into it he will be surprised to find how difficult it is to get any idea as to where it comes from. It is practically a remnant of a time when crimes were not defined. But since they have come to be defined properly by act of Parliament the maxim has ceased to apply. I trust I have not spoken to the learned counsel with impatience, but I am very anxious to dispel the illusion which has existed in this matter.

The jury returned the following verdict:—"We find the prisoner guilty, but with no guilty intent whatever." Mr. Justice Stephen said he supposed the jury meant there was nothing morally wrong, inasmuch as the prisoner was ignorant of the act of Parliament. He entirely agreed with the verdict, but the law must be upheld, and the prisoner had done what the law decided was felony. He saw nothing extraordinary in the impression and he realized the way in which the mistake was made. The act was a very severe one, yet the Court had no option in passing sentence but to inflict imprisonment with hard labor. He did not wish to pass any such sentence, and the only way he could avoid it was by ordering the prisoner to enter into his own recognizances and come up and receive judgment when called upon. Probably, unless the accused offended again, he would never hear any more about it. The prisoner was then bound over and discharged.

The following appears in *La Justice*:—

"Nous ne pouvons passer sous silence un incident qui s'est produit hier devant la Cour Criminelle et qui est regrettable à plusieurs points de vue. M. F. X. Drouin, qui représente la Couronne avec M. Dunbar, ayant voulu adresser la parole aux jurés, M. F. X. Lemieux, avocat de l'accusé, s'y est objecté parce que M. Drouin n'est pas conseil de la Reine! Le juge avait réservé sa décision et, hier, à l'ouverture de la Cour, il a décidé d'exclure M. Drouin de la cause, et ce, malgré l'offre tardive de M. Lemieux et de son conseil M. Irvine, de retirer l'objection. Nous ne voulons pas être trop sévère pour MM. Lemieux et Irvine, mais nous croyons que leur acte est sans précédent et qu'il n'est pas de ceux qui sont recommandables au point de vue de la délicatesse qui doit exister entre confrères au Barreau. Pourquoi alors deux poids et deux mesures? MM. Irvine et Lemieux, en y réfléchissant, s'apercevront qu'il aurait été préférable de traiter leur confrère comme ils ont toujours eux-mêmes été et comme ils sont encore traités. Les membres d'une profession honorable et distinguée y gagnent toujours à se traiter mutuellement avec courtoisie."

It is certain, however, that barristers who have not been Queen's counsel have represented the attorney general and conducted prosecutions for the Crown. For example Mr. T. K. (now Mr. Justice) Ramsay was not a Q. C. when he was conducting the Crown business in Montreal previous to his appointment to the bench. See 3 L. C. Law Journal, p. 3, which shows that his appointment as Q.C. was gazetted only June 28, 1867, though he had been conducting the Crown business in Montreal for about two years previously.

COUR SUPÉRIEURE.

JOLIETTE, 17 mars 1886.

Coram CIMON, J.

CONTRÉE v. LA CORPORATION DU COMTÉ DE JOLIETTE et FRAPPIER et al., mis en cause.

Bref d'injonction—Appel des décisions du conseil local au conseil de comté—Défaut de juridiction de ce dernier.

JUGÉ:—1. *Qu'il y a lieu au Bref d'injonction pour empêcher un conseil de comté de connaître et juger le mérite d'un appel d'une décision du conseil local, lorsque la loi ne permet pas l'appel.*

2. *Qu'il n'y a pas appel au conseil de comté d'une décision du conseil local rejetant une requête demandant à amender un procès-verbal en vigueur qui a ordonné l'ouverture et l'entretien d'un chemin.*

3. *Que les mis en cause, dans le présent cas, seront seuls condamnés aux frais.*

CIMON, J. Bref d'injonction. Le conseil local de St-Félix de Valois a homologué, le 20 mai 1884, un procès-verbal de son surintendant Louis Dauphin, ordonnant l'ouverture d'un chemin, *y compris la construction* d'un pont sur la rivière Bayonne en rapport avec ce chemin. Cette homologation a été portée en appel, et le conseil de comté l'a maintenue *avec certains amendements.* Ce procès-verbal est devenu en force. Le conseil local a fait procéder à son exécution. Le chemin est, en conséquence, ouvert. *Le pont est même construit, lorsqu'il survient une inondation qui l'emporte avant que l'entrepreneur l'ait livré au conseil.* Alors, les mis en cause, *prétendant que l'inondation avait changé les lieux où le pont devait être assis,* et qu'il fallait maintenant d'autres dimensions au pont, présentèrent une requête au conseil local lui demandant *d'amender* le procès-verbal en force de Louis Dauphin, *seulement quant aux dimensions, aux matériaux et à l'assiette du pont.* Le conseil local rejette cette requête. L'opportunité de l'amendement demandé par les mis en cause

était matière d'opinion. Le conseil local en était le juge. Il a trouvé qu'il n'était pas opportun. Les mis en cause alors portent cette décision en appel, au conseil de comté, et ils demandent à ce dernier de faire *l'amendement* que le conseil local *a refusé*. Conformément à la loi, le secrétaire-trésorier du conseil de comté donne avis que ce dernier prendra l'appel en considération le 21 août 1885. Le 20 août, le demandeur, un intéressé, obtient de Son Honneur le juge Jetté un Bref d'injonction pour empêcher le conseil de comté de prendre connaissance de cet appel, faute de juridiction; et le 21 août, à 10 heures a. m., le Bref d'injonction est signifié à la défenderesse au moment où son conseil était en séance.

Le conseil de comté avait-il juridiction pour entendre cet appel? Telle est toute la question.

On sait que l'appel est de droit étroit. Il n'existe que si une disposition spéciale de la loi l'accorde. Il n'existe pas par analogie d'un cas à un autre.

Le droit d'appel de la décision d'un conseil local au conseil de comté est régi par les arts. 925, 926 et 926a du Code Municipal, tels qu'amendés par les statuts subséquents.

Il y a appel au conseil de comté: 1o. de la passation de tout *réglement* par le conseil, *excepté* les réglements qui en *révoquent* simplement d'autres, ceux *faits* relativement à la vente des liqueurs, et ceux qui doivent être approuvés par les électeurs avant d'entrer en vigueur; 2o. de *l'homologation* de tout procès-verbal; 3o. de toute décision rendue en vertu de l'art. 819 relativement à un acte de répartition; 4o. par le statut de 1882 (45 Vic., ch. 36, sec. 30), il a été décrété: "Il y a même "droit d'appel au conseil de comté de *tout* "*refus d'homologation* d'un procès-verbal par "un conseil de municipalité rurale, *et du* "*rejet* par le conseil local ou par son surin- "tendant, de toute requête demandant *l'ou-* "*verture et l'entretien d'un chemin municipal;*" 5o. puis, encore, par un statut subséquent (48 Vict., ch. 28, sec. 17), le droit d'appel a encore été accordé dans les affaires concernant les cours d'eau.

Ce sont là tous les cas d'appel. Le fait que ce n'est que par différents statuts passés de temps à autre que la législature a étendu le droit d'appel d'un cas à un autre, démontre qu'il doit être strictement interprété et ne peut s'étendre d'un cas à un autre qui n'est pas clairement mentionné.

On trouve bien qu'appel est donné *du rejet* par le conseil local d'une requête demandant *l'ouverture et l'entretien d'un chemin*. La nécessité ou l'opportunité d'OUVRIR UN NOUVEAU CHEMIN est une matière considérable et importante; mais la nécessité ou l'opportunité d'*amender* un procès-verbal qui a ORDONNÉ L'OUVERTURE D'UN CHEMIN dans les DÉTAILS touchant la manière de faire les travaux, c'est moins important. On comprend pourquoi dans le premier cas l'appel pourrait être permis; tandis qu'on n'aurait pas voulu l'accorder dans le second. Comme on le voit, les deux cas sont différents. Je crois donc que le conseil de comté n'a pas juridiction pour entendre l'appel.

Le Bref d'injonction, en conséquence, doit être maintenu, puisque le statut 41 Vict., ch. 14, le permet contre *toute corporation* qui *fait* "*quelqu'acte ou procédures outrepassant ses pou-* "*voirs.*" Mais le mis en cause Frappier (car la défenderesse et les autres mis en cause ont déclaré s'en rapporter à justice) dit que le Bref d'injonction est prématuré, car il aurait pu se faire que le conseil de comté se déclarât incompétent à prendre connaissance de l'appel. Cela est vrai; mais il aurait bien pu se faire aussi qu'il se déclarât compétent et qu'il jugeât l'appel au mérite. Le mal alors aurait été fait. Il est vrai qu'on aurait pu faire casser ce que le conseil de comté aurait illégalement décrété et faire, ainsi, disparaître le mal. On dit en droit qu'il n'y a pas de mal sans remède. Le Code Municipal a décrété une procédure spéciale pour faire casser les décisions illégales des conseils municipaux; et, en outre, on peut encore les faire casser par les procédures de droit commun. Si le demandeur eût attendu que le conseil eût donné une décision illégale, ce n'est plus alors le Bref d'injonction qu'il aurait eu, mais il aurait été tenu d'adopter les autres procédés. Mais la loi ne se contente pas de pourvoir à faire disparaître le mal lorsqu'il a été fait. Elle a donné le bref d'injonction pour le prévenir. C'est un bref *préventif*. Le bref en cette cause n'est donc pas prématuré. La défenderesse aurait dû de suite y acquiescer

afin de ne pas être exposée aux frais. Il est vrai qu'elle s'en rapporte à la justice; mais cela n'est pas un acquiescement. Toutefois, je crois qu'il ne doit pas être accordé de frais contre elle. Le demandeur ne l'a pas considérée comme contestante. La véritable et seule bataille est entre le demandeur et le mis en cause Frappier qui conteste le Bref et la demande du demandeur. Les autres mis en cause contribueront aussi aux frais comme sur un jugement *exparte*, tandis que Frappier a de plus à sa charge tous les frais occasionnés par sa contestation. Ce sont les mis en cause, par leur appel, qui ont provoqué le Bref d'injonction.

Le conseil municipal représente la corporation (Code M., art. 93), mais il n'est pas en justice. C'est la corporation qui est la personne juridique. C'est elle qui fait valoir les droits et les pouvoirs de son conseil: et c'est contre elle qu'on agit quand on a à se plaindre de son conseil. Le Bref d'injonction a été bien dirigé contre elle.

Bref d'injonction maintenu.

Mercier, Beausoleil & Martineau, avocats du demandeur.

Charland & Tellier, avocats de la défenderesse et des mis en cause.

*SUPERIOR COURT—MONTREAL.**

Insolvent corporation—45 *Vic.* (*D.*) *ch.* 23—*Restitution by bank of money received at time of suspension of payments.*

The provisions of 45 Vic. (D.) ch. 23, override any rule as to insolvency contained in the Civil Code; and therefore only payments made by an insolvent corporation within thirty days before the commencement of the winding up order (s. 75) *i.e.* the date of the order made by the Court for the winding up (s. 13), can be recovered by the liquidators.

2. In any case, a deposit of money made with a bank on the day and at the very hour when it suspended payments, may lawfully be returned to the depositor.—*Exchange Bank* v. *Montreal Coffee House Association*, In Review, Torrance, Mathieu, Mousseau, JJ., Jan. 30, 1886.

Money deposited in Court—C. C. P. 753.

HELD: That moneys attached by garnishment and deposited in Court under an order of the Court to abide the result of a suit, and subsequently declared the property of one of the parties, are not "moneys levied" within the meaning of Art. 753 C. C. P., and cannot be claimed by an opposition *en sous ordre*.—*Carter* v. *Molson, & Freeman*, T. S., Mathieu, J., Jan. 20, 1886.

Jury trial—Motion for judgment non obstante veredicto—*C. C. P.* 433—*Libel in plea—Incidental demand—C. C. P.* 149—*Motion for New Trial—Absence of material witness—Assignment of facts for the Jury—Damages in libel cases—Affidavit of Juror—C. C. P.* 428.

HELD: 1. Although a motion for judgment *non obstante veredicto* may now be made by either party (C. C. P. 433), such motion in any case, can be based only upon the insufficiency in law of the allegations of the other party.

2. A libel in a plea is actionable, and may also form the basis of an incidental demand, under C. C. P. 149, when the libel occurs in a plea to an action of libel.

3. The absence of a material witness at the trial is not ground for a new trial, if the party, though aware of the absence of such witness, did not move to postpone the trial.

4. Insufficiency of the assignment of facts cannot be urged in support of a motion for a new trial, if no objection was made thereto before the trial, more especially if the party complaining of such insufficiency himself adopted proceedings to bring the trial on. *Cannon* v. *Huot*, 1 Q. L. R. 139, approved and followed.

5. In considering whether the damages allowed by a jury in a case of personal tort are so excessive as to be set aside under C. C. P. 426, the Court may and should have regard to the condition of the parties, and a new trial will not be granted unless the damages are so excessive and unreasonable as to make it manifest that the jury were led into error or were actuated by partiality or prejudice. And in the present case—an action by an ex-minister of justice against a newspaper for libel, *held*,—that $6000 damages for the libel and $4000 additional for libel in the plea, were not excessive.

* To appear in Montreal Law Reports, 2 S. C.

6. The affidavit of a juror as to the motives which influenced either him or his fellow jurors cannot be received (C. C. P. 428).—*Laflamme* v. *Mail Printing Co.*, Johnson, Doherty, Taschereau, JJ., March 31, 1886.

ALLEGIANCE AND CITIZENSHIP.

The recent elections have afforded much occupation to the Judges in the Royal Courts, and our law reports of to-day and yesterday contain several decisions in election cases of interest and importance. The petition against the return of Mr. Gent-Davis for Kennington has been ignominously dismissed, Mr. Justice Day qualifying it as "utterly unfounded." Mr. Stafford Howard has also been confirmed in possession of his seat for the Thornbury Division of Gloucestershire. But the most interesting questions have been raised and decided in the Stepney petition, without it being known as yet what the effect upon the poll may be, as the Judges have still to make a final count of the numbers. But, in any event, the petitioner in this case may feel the glow of a good conscience at having supplied the means for the settlement of a vexed legal question. Mr. Isaacson's pertinacity in attacking Mr. Durant's seat for Stepney has elicited a very learned and emphatic judgment of the Queen's Bench Division on the point of allegiance and citizenship, first raised in a definite form in the famous case of Calvin, when Sir Edward Coke was Lord Chief Justice and Lord Bacon was Solicitor-General. Many Hanoverians, in common with other Germans, reside in the Stepney division of the Tower Hamlets. A majority of them, sufficient to turn the election on a scrutiny, are stated to have voted for Mr. Isaacson, the Conservative candidate. He claims that their votes are good, being the votes of natural-born subjects of the Queen, on the ground that either they were born in Hanover when it was ruled by the King of Great Britain or are sons of fathers so born. The Election Judges reserved the question for the decision of the Queen's Bench Division. That, constituted of the Lord Chief Justice and Mr. Justice Hawkins, pronounces that the votes are altogether bad. So clear does the point of law seem to the Court that it will allow no appeal, which is perhaps to be regretted. The petitioner and respondent evidently have plenty of combativeness unexhausted, and would not mind expenditure for the final elucidation of a legal puzzle. Unhesitating as are Lord Coleridge and Sir Henry Hawkins, it would have been well to sift the matter through all other available judicial wits. Left as it is, it is sure to emerge again in a fresh shape, and for the embarrassment of less public spirited litigants. We have often taken occasion to condemn the boundless power of appeal as a cruel temptation to choleric tempers, and an oppression to the more peaceable, whom the endless vista intimidates into acquiescence in a wrong. Still there are exceptions; and the Stepney petition is one of them. When Englishmen with long purses are moved to let light into the dark corners of jurisprudence at their own expense, it is a pity to balk them.

For the present at any rate, the law is to be taken as it is laid down in Lord Coleridge's judgment. To a certain extent the decision varies the understanding of two centuries and a half on the subject. English, as general European, law has so far recognized the Sovereign as representative of his country as to hold that the subjects he governs by different titles enjoy cross rights of citizenship. William the Conqueror's Norman subjects became Englishmen after his coronation at Westminster; and Scotchmen born after the death of Elizabeth did not need to be naturalized on this side of the Tweed. The Lord Chancellor and the assembled Judges solemnly affirmed this principle in Calvin's case. By it any Hanoverian votes in Stepney would have been valid if Queen Victoria were now reigning over William the Fourth's Hanoverian dominions. Judicial decisions establish the citizenship in Great Britain of subjects of a British Sovereign who rules them by an independent title. The question is whether the right, having attached, ceased with the cause which conferred it. In Calvin's case the opponents of the claim had suggested, by way of *reductio ad absurdum* of the right, the contingency of a future severance of the Scottish and English Crowns. The Judges so far accepted the force of the

argument, as conflicting with the view they favoured on the actual point before them, as to feel bound to consider and repel it. They gave their opinion that allegiance having once become due, and English naturalization as its incident, could not be alienated by subsequent occurrences. Though Scotland should be no longer under the sceptre of King James or his heirs, they thought that Scotchmen born his subjects, and capable, therefore, of becoming by residence English citizens, would remain English citizens. By similar reasoning Hanoverian subjects of William the Fourth ought, if residing in England, to be English citizens under Queen Victoria. Distinctions can be imagined. It might be contended that the case of a separation of crowns by violence, as hinted at by King James's Judges, is stronger than the Stepney case of a separation in conformity with the essential tenure of the Hanoverian throne. The Queen's Bench Division does not care to rest its disagreement with the Stuart Judges on casual discrepancies in the hypothesis. It assumes that in an instance like the present their *dicta* would have been unchanged; and it definitely differs from them. The decision in Calvin's case is binding upon it. A Court is not bound to obey *dicta*, from whatever tribunal they emanate. The Queen's Bench uses its liberty; and it dissents from the *dicta* of the beginning of the seventeenth century as courageously as as it might from any enunciated at the close of the nineteenth. To King James's Judges it appeared ridiculous that a man once an Englishman should be liable to lose his citizenship from the operation of circumstances with which he has had nothing to do. To Queen Victoria's Judges it is yet more preposterous that "a man rightfully "and legally in the allegiance of one Sov-"ereign should be also rightfully treated as "a traitor by another," as might happen, by the Jacobean view, if the subject of two allegiances formerly compatible, and now become conflicting, were caught by one of his Sovereigns fighting in the ranks of the other. The Queen's Bench Division says, "that cannot be the law." Both constructions of the law of double citizenship are doubtless susceptible of unjust and eccentric results. That adopted by the Queen's Bench Division is as open to them as the other. If, for example, a Hanoverian baker in Whitechapel had been in the full legal enjoyment of the Middlesex county franchise, at the period of King William's death, it is incongruous that a consequence of the German Salic law should have been to disfranchise him *ipso facto* unless he took out letters of naturalization. Lord Coleridge's illustration of the moral impossibility of the contrary conclusion, by reference to the peril in which innocent persons might be involved during warfare by a twofold allegiance, is itself of little assistance. Though treaties and statutes to confirm them have recently somewhat modified the original rigour of English law, the son of an Englishman continues liable to be placed by hostilities between his paternal and adopted country in a very unpleasant predicament. By Queen Anne's statute, extended by one in the reign of George the Third to grandchildren, the children of all natural-born subjects, born out of the Sovereign's allegiance, are to be deemed natural-born subjects to all purposes whatsoever. Thus, that which Lord Coleridge declares "cannot be the law" as regards the relations of Hanover and England would seem already to be the law as regards the relations of England to the whole world.

Little more can, indeed, be said for either construction than that feudal prejudices in earlier ages and high prerogative prejudices in the days of the Stuarts have led English jurisprudents into a dilemma from which it is hard for modern Courts to escape without some inconsistency. Were an English Sovereign to reign now for the first time by an independent title over dominions not included in the British Empire, the judicial view would probably be that the inhabitants of those dominions were, in default of a general Parliamentary Act of Naturalization, properly and wholly aliens. If they once be admitted by birth-right to English citizenship, it may seem strange that for no fault of their own they should forfeit the privilege. The Queen's Bench Division, which rightly considers allegiance to be due to the Sovereign in his public, and not, as King James' Judges believed, in his personal capacity, would, we suspect, have refused English citizenship to unnatu-

ralized Hanoverians with as little scruple under King William as it refuses it them under Queen Victoria, if the law were now freshly to be framed. As it is tied by judicial acts, it follows them to the exact length they go, and no further. No real injustice is done, though possibly a little violence to scientific consistency with ancient precedents. Hanoverians at the East End who possessed and exercised the franchise, whatever it was, fifty years ago may thank Lord Coke and his brethren for the privilege while it lasted. In the absence of letters of naturalization there is no abstract reason why they should have had it more than Brunswickers. Queen Victoria's Bench does not gainsay their former legal title to the privilege. It respectfully registers the fact of their possession by virtue of the decision in Calvin's and older cases. When it is asked to make precedents itself, it refuses to assert that several foreign-born generations of one small section of Germans derive from the accident that fifty years ago Hanover and Great Britain had the same Prince an hereditary right to perform functions denied to the rest of their diffused race. The decision may be approved on its own merits. There is danger in contending that no other conclusion would be legally possible because any other would clash with common sense. A good deal in the laws of allegiance, both in this country and elsewhere, is amenable to that animadversion. This protracted Stepney Election petition will have answered one useful national object if it should draw attention to the expediency of putting that and the naturalization law in general on a more intelligible footing. The borough of Stepney is to be compassionated on the sudden curtailment of its electorate. But Stepney has survived the dissipation of the time-honoured superstition that everybody born at sea belongs to Stepney parish; and it will survive as happily the discovery that every parishioner of Stepney is not necessarily an Englishman and a voter. — *London Times*, April 7.

THF VICE-ADMIRALTY COURT.

To the Editor of the LEGAL NEWS:

There has been a good deal of talk lately in Quebec, over the fact that Mr. Irvine, the Judge of the Vice-Admiralty, continues to actively practise his profession. The Court of Vice-Admiralty in Quebec has to deal with most important interests, and as there is only an appeal to the Privy Council, a very expensive proceeding, the decisions of the Court are in most instances practically final. Unless therefore the Government raises the salary to that of the Judges of the Superior Court and of the Judges of the Court of Queen's Bench, no prominent lawyer would take the situation. When Mr. Irvine accepted the position it was well understood he was to continue to practise. The position of a Judge-Advocate is of course an anomaly, but it is not easy to find in an habitually impecunious profession men possessed of the large independent fortunes of the late Judges Black and Stuart. So far we do not think anybody has been hurt, and no insinuation of partiality has even been whispered against Judge Irvine.

X.

Quebec, May 12.

BAR ELECTIONS.

The practising advocates of the Bar of Quebec, to the number of 100, met on 1st. May at the Court house for the annual elections. The following were elected :— Batonnier, Hon. D. A. Ross, Q.C.; syndic, C.A. Morriset, Q. C.; treasurer, D.J. Montambault, Q.C.; secretary, R.J. Bradley. Council—Hon. F. Langelier, Q.C., Hon. G. Irvine, Q. C., Hon. J. Blanchet, Q. C., J. Malouin, Q.C., Dunbar, Q.C., Bossé, Q.C., C. N. Hamel and W. J. Miller.

The annual elections of the Bar of Montreal took place on May 1st, and resulted as follows :—Batonnier, Hon. H. Mercier, Q.C.; treasurer, M. M. Tait, Q.C.; secretary, H. Lanctot. Council—Laflamme, Q.C., Robertson, Q.C., Geoffrion, Q.C., Pagnuelo, Q.C., Greenshields, Beaudin and Martineau.

At the annual meeting of the St. Francis section of the Quebec Bar the election of officers resulted as follows, Batonnier, H. B. Brown; syndic, J. A. Camirand; treasurer, H. W. Mulvena; secretary, C. A. French. Council—W. White, Q.C., L. E. Panneton, and A. S. Hurd.

The first meeting for the election of the officers of the Bar of the district of Bedford was held at Sweetsburgh, on Monday, 3rd May. Balloting for the officers gave the following result :—Batonnier, John P. Noyes, Waterloo; syndic, E. Racicot, Sweetsburgh; treasurer, T. Duffy, Sweetsburgh; secretary, T. Amyrauld, Sweetsburgh. Council—S. Constantineau, Bedford; C. Foster, Knowlton, and D. Darby, Waterloo.

APPOINTMENTS AND CHANGES.

Honoré Cyrias Pelletier, Q.C., of the city of Quebec, to be a Puisné Judge of the Superior Court of Quebec, *vice* the Honorable Joseph Alfred Mousseau, deceased.

Jules E. Larue, Q.C., of the city of Quebec, to be a Judge of the Superior Court of Quebec, *vice* the Honorable Thomas McCord, deceased.

The Honorable Honoré Cyrias Pelletier, one of the Justices of the Superior Court of the Province of Quebec: to be Revising Officer in and for the Electoral District of Rimouski, in the Province of Quebec, *vice* the Honorable Joseph Alfred Mousseau, deceased.

Joseph Alphonse Ouimet, Q.C., to be a Judge of the Superior Court of Quebec, *vice* the Honorable Charles Ignace Gill, transferred to the District of Montreal.

The Honorable Charles Ignace Gill, a Judge of the Superior Court of Lower Canada; to be transferred from the District of Richelieu to the District of Montreal.

The Honorable Henri Thomas Taschereau, a Judge of the Superior Court of Lower Canada; to be transferred from the District of Kamouraska to the District of Joliette.

The Honorable Marie Honorius Ernest Cimon, a Judge of the Superior Court of Quebec; to be transferred from the District of Joliette to the District of Kamouraska.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, May 1.

Judicial Abandonments.

Napoléon Fugère, Three Rivers, April 26.

Dame Ezilda Pelletier, *marchande publique*, Montreal, April 22.

Michael C. Mullarky, (Mullarky & Co.) boot and shoe manufacturer, Montreal, April 27.

Curators Appointed.

Re Sylvester Dunn.—J. O'Cain, St. John's, curator, April 22.

Re Frederick Pierce.—H. A. Odell, Sherbrooke, curator, April 13.

Re Thimothée Rhéaume.—H. A. Ethier, Ville de Laurentides, curator, April 20.

Re Joshua Scafe.—J. O'Cain, curator, April 27.

Dividend Sheets.

Re G. A. Brouillet & Co.—Final div. payable May 18, Kent & Turcotte, Montreal, curator.

Re Ovila Chagnon.—Final div., payable May 18, J. O'Cain, St. John's, curator.

Re Hermenégilde Toussignant.—Final div. A. Gaumond, St. Jean Deschaillons, curator.

Sale in Insolvency.

Re John S. Bagin.—Lot at St. Lamberts, sale at Church door, Longueuil, 10 a.m., July 2.

Separation as to Property.

Dame Marie Philomène Aubuchon v. Cléophas Tellier, Berthier, April 27.

Dame Mary Jane Buck v. Edouard Donahoe, Farnham, April 12.

Quebec Official Gazette, May 8.

Judicial Abandonments.

Joseph Goulden, druggist, Montreal, May 4.

Arthur Talbot, Sherbrooke, April 30.

Curators Appointed.

Re Ezilda Peltier, *marchande publique*. — C. H. Walters, Montreal, curator, April 29.

Re Sylvester Dunn.—J. O'Cain, St. John's, curator, April 22.

Re Mullarky & Co.—D. L. McDougall, and S. C. Fatt, Montreal, curators, May 1.

Dividend Sheets.

Re Donat Blondeau.—First div. payable May 18, H. A. Bedard, Quebec, curator.

Re Desmarais & frère.—Final div. payable, May 30, Kent & Turcotte, Montreal, curator.

Re J.-Bte. Dumesnil, St. Télesphore.—Final div. payable May 26, C. Desmarteau, Montreal, curator.

Re Joseph Lemieux.—Final div. payable May 30, Kent & Turcotte, Montreal, curator.

Re Joseph Limoges.—First div. payable May 30, Kent & Turcotte, Montreal, curator.

Re Zéphirin Simard.—First div. payable May 20, Kent & Turcotte, Montreal, curator.

Re Ludger Turcotte.—First div. payable May 20, J. A. Poirier, St. Grégoire, curator.

Separation as to property.

Marie alias Mary Houle *v.* Charles Morin, Montreal, May 4.

GENERAL NOTES.

A statement of occupations of the members of the Legislative Assembly of Quebec gives the following result: lawyers and notaries, 23; journalists, 5; doctors, 6; merchants, 16; engaged in agriculture, 14; miller, 1; total, 65.

FRAUD ON THE BRIDEGROOM.—A case which is the counterpart of a line of cases on setting aside secret conveyances by a bridegroom before marriage, is presented in Green *v.* Green in 10 Pacif. Rep. 156, in the Supreme Court of Kansas. The bride, a widow—and her conduct recalls the sage advice of the senior Weller—on the day before her second marriage, conveyed all her real estate to her children by the former husband, in consideration of love and affection. The children conveyed to a third person, the main defendant in this case, who took with knowledge of the circumstances. The Court intimate that in Kansas these facts alone might not entitle the disappointed husband to recover. But the complaint of the disappointed husband alleged that the bride induced him (he being a cripple, by reason of lacking a forearm) to marry her, by representing that the farm belonged to her, and that its proceeds should go for their support as long as they lived. On these facts the Court held the complaint good as against a demurrer.—*Daily Register.*