a day certain, no proceeding or application shall thereafter be taken or received without notice of at least one day to the adverse party." Rule 54 :—" That as soon as the *enquête* in any contested cause shall be closed, either party may inscribe such cause on the *Role de droit*," &c., &c. Also the rule published by the Montreal Judges (not printed) of date 30th September, 1870 :—" It is ordered that no contested case shall in future be placed upon the *Role de droit*, for final hearing, nor the inscription received by the Prothonotary of the Court, until the *enquête* in such case be declared closed, and that the inscription on the merits be lodged in the Prothonotary's office at least forty-eight hours before the day fixed for such final hearing, to afford time to the Prothonotary to examine and complete the record before it is placed upon the *Role* for such hearing, and the Prothonotary shall not put any case on the *Role* for hearing on the merits until the record is complete." The proceedings showed that the plaintiff had closed his case in chief; so had the defendant. Then, in June last, plaintiff examined two witnesses in rebuttal. The case had been on the *enquête* roll. Then plaintiff notified defendant that he had closed his *enquête*, and forthwith inscribed the case for hearing on the merits. The plaintiff had no power of removing the case from the *Enquête* roll without the consent of the defendant, unless the *Enquête* had been formally closed by order of the Judge at *Enquête* sittings. Defendant should have had an opportunity of sur-rebuttal, or examining the plaintiff on *faits et articles*.

L. H. Davidson, e contra :—Defendant did not say that he wished for sur-rebuttal or *faits et articles*.

TORRANCE, J., after taking time to consider, granted the motion.

Davidson & Cushing for plaintiff.

Macrae, Q.C., for defendant.

BACHAND v. BISSON, and TRUDEAU, T.S.

Procedure — Attorney — Disavowal — When garnishee becomes a party to the cause.

TORRANCE, J. This case is before the Court as well on the merits of the intervention of Leonard Bisson, as on the motion of the intervener to reject a paper styled declaration filed by the *tiers saisi* on 11th December, 1878, declaring that he had not authorized Messrs. Mousseau, Chapleau & Archambault to give a consent that the intervention be held to have been duly served upon him. These gentlemen appeared for the garnishee on the 18th April, 1878, and the motion gives, among other reasons, that the garnishee does not disavow this appearance, and, moreover, has taken no further action in the matter, contrary to C. C. P. 196, which requires him without delay to present a petition to the Court praying that his disavowal be declared valid. As to the declaration of his advocates made on the 16th June, 1879, recalling their consent, the Court holds that this revocation has no validity until permitted by the Court, after notice to all concerned. The motion of the intervener is therefore granted.

As to the demand for judgment on the merits of the intervention, the Court has difficulty in listening to it on the ground that the judgment was already given on the 17th June, 1878. It is true that this judgment was taken to review, and the Court of Review refused to pronounce upon it, on the ground that the intervention had not been served upon all parties after its allowance. As a matter of fact, I desire to know whether there were any parties in the case when it was filed on the 8th April, 1878, to whom notice was not given by its service upon them. The only parties then in the cause were the plaintiff and the defendant. I do not consider the garnishee to have been then a party in the cause. He did not become a party till his declaration was contested on the 25th April, 1878. If my impression be well founded, the judgment of the 17th June, 1878, preserves its effect, notwithstanding C. C. P. 157, which requires the intervention to be served upon the parties to the cause—and that otherwise it has no effect, for, as I have said, it appears to me that the *tiers saisi* was not then a party.

Doutre & Co., for plaintiff.

A. & W. Robertson, for intervener.

In re ROLLAND et al., insolvents; SEYMOUR, claimant, and SMITH, contesting.

Composition—Debt revives where composition is not paid.

TORRANCE, J. The contestant lays stress upon the fact that there being a composition, the claim of Seymour should be reduced to the