

is liable. But the place where the Harriet anchored was an improper place, and therefore the appellees must abide the consequences of the misconduct of the master. Wherefore, it is decreed and ordered that the decree of the district court be reversed, and held for naught, and the appellants recover of the appellees their costs in this behalf expended; and it is further decreed and ordered that this case be remanded to the district court, with instructions to dismiss the libel of the libellants.

DUNCAN N. HENNEN,
Clerk.



Montreal.—Court of King's Bench.—January, 1827.

Present, the Hon. Mr. Justice Pike.

No. 111.

ANTOINE HAMEL, Plaintiff.
vs.
DAVID JOSEPH, Defendant.

This was an action brought by the plaintiff, an inhabitant of the parish of Berthier, against the defendant . merchant of the same place. The defendant pleaded, as an exception *à la forme*, that the writ of summons, under the 25th Geo. III, c. 2, s. 36, should have been written in the english language, being the language of the defendant; that therefore he was not bound to answer, and prayed that the action might be dismissed. Per cur. Action dismissed with costs.