

of the said Austin Cuvillier had made a donation to the said Dame Erichsen, in order to induce her to renounce to her right to dower in that case, and that she had accepted the said donation. And 3rd. That the said appellants had done acts of heirship, and accepted the legacies under the will of the late Austin Cuvillier, and that the subsequent renunciation to the succession of the said Austin Cuvillier is null.

I think it can hardly be said that the evidence establishes that Austin Cuvillier had at the time of his marriage renounced the domicile of his birth. But the question of domicile is of no importance in this case. Dower is a real right which is regulated by the laws of the place where the immovable is situate. 1442 C. C. Whatever, then, was the domicile of Austin Cuvillier at the time of his marriage, the right of his wife and child to dower arose.

There can be no doubt that the wife can renounce to her dower over her property her husband sells, alienates or hypothecates, either by the deed by which he so alienates or by any other subsequent deed (1444), and such renunciation absolutely bars the dower not only of the wife but of the children, and this so effectually that neither can claim any compensation out of the other property of the husband or of his succession (1445). Directly, and in so many words, Mrs. Austin Cuvillier did not renounce to her dower over the share of her late husband in the property in question sold to Madame Delisle. But, during her husband's life, her husband's niece, Miss Symes, made a donation to her uncle, Austin Cuvillier, and to his wife, subject to the express condition that the said donation "n'aura d'effet qu'en autant et après que Dame Charlotte Erichsen, son épouse actuelle, aura renoncé tant pour elle-même que pour ses enfants nés et à naître de son mariage avec le dit Austin Cuvillier, à tous douaire et autres avantages matrimoniaux quelconques qu'elle ou qu'ils pourraient en aucune manière, avoir demander ou prétendre en ou sur toutes et chacune les propriétés immeubles ci-devant appartenant au dit Austin Cuvillier en la cité de Montréal ou ailleurs, et dont la plus grande partie a été acquise chez le Shérif dans l'intérêt de la dite Demoiselle Symes, comme représentant sa mère décédée, et par Dame Marie Angélique

"Cuvillier, épouse d'Alexandre Maurice Delisle, écuyer, et Demoiselle Luce Cuvillier, ses tantes, la dite donation n'admettant pas toute-fois que la dite Dame Austin Cuvillier ou ses enfants aient ou puissent avoir aucun tel douaire ou autres avantages matrimoniaux sur les dites propriétés."

On the 8th January, 1867, Mrs. Cuvillier authorized by her husband, along with her said husband, made a deed, under seal, at London, England, in and by which she formally recognized the said donation, and the condition of renunciation therein expressed, and upon the fulfilment of which the said donation depended, and accepted the said donation subject to the said condition. She then goes on to say that whereas she, the said Charlotte Cuvillier, was desirous to secure unto herself and to her said husband and his children all the pecuniary advantages granted unto them by the said deed of donation, she, with the authority of her said husband, named and appointed Maurice Cuvillier to be her attorney for her, and in her name to renounce for her, as well as for her children, "to all dower and right of dower, and all other matrimonial advantages which she herself and her said children can or could in any way have demand, or pretend to have, in to or upon all the real and immovable property hereinafter described."

[Continued on p. 290.]

—The case of *Pooley v. Whethan*, just decided in the Court of Appeal (W. N. 1880, p. 149), is of great importance with regard to the effects of extradition. Affirming the decision of Vice-Chancellor Bacon, the Lords Justices decided that the 19th section of the Extradition Act, which protects a person delivered up under an extradition treaty from being tried for any other offence than that with which he was originally charged, until he has had full opportunity of returning to the country of his asylum, does not protect from arrest under an attachment. The *ratio decidendi* appears to have been, that attachment is not a proceeding in the nature of a criminal charge, but one for the purpose of enforcing obedience to an order in a civil suit. The Lords Justices, however, held that, if the criminal charge—which was, in the case before them, one of offences against the bankruptcy laws—had been brought with the indirect purpose of bringing the accused within reach of an attachment order, the attachment could not be enforced. As there was some ground for suspicion that this had been the motive in the particular case, they went into evidence on the point; the result, however, was to dissipate the suspicion, and the attachment was accordingly upheld.—*Ex.*