

changes in the existing tariffs necessary, it is ordered that the tariff of fees to be paid to the clerks of appeals and to the crier of the Court of Queen's Bench, appeal side, as fixed by the Order in Council of the 28th day of December, 1869, be altered as hereinafter mentioned:

FEES TO CLERKS OF APPEAL.

In appeals from the Superior Court.

- 1° On every appearance filed by an appellant or plaintiff in error..... \$9 00
 - 2° On every appearance filed by a respondent or defendant in error.. 7 00
 - 3° For entering and filing appellants' or respondents' case..... 11 50
- In appeals from the Circuit Court.*
- 4° On every appearance filed by an appellant..... 9 00
 - 5° On every appearance filed by a respondent..... 4 00
 - 6° For entering and filing appellants' or respondents' case..... 4 00

Criers' Fees.

- 7° On every appearance filed by an appellant or respondent, or by a plaintiff or defendant in error .. \$3 00

That a copy of such tariff be published in the *Quebec Official Gazette* and be entered in the registers of the said Court of Queen's Bench, in the exercise of its jurisdiction as a Court of Appeals and Error, and that the said amendments to the said tariff shall come into force on the first day of September next, and that thereafter any portion of the said existing tariff contrary to the said amendments, shall be revoked and cease to exist, except in cases now pending in appeal.

That under the provisions of articles 2748 and 2749 of the said Revised Statutes and of section 5 of the Act 12 Vict., ch. 112, it is further ordered that the Order in Council of the 28th December, 1869, imposing duties upon certain proceedings in appeals from the Superior Court for Lower Canada, now the Province of Quebec, be modified, and that further certain duties be imposed upon certain proceedings in appeals from the Circuit Court as follows:

In appeals from the Superior Court in the different districts.

- 1° On every inscription in appeal or error..... \$12 00

- 2° For entering and filing appellants' or respondents' case..... 1 50

In appeals from the Circuit Court in the different districts.

- 3° On every inscription in appeal.... \$ 1 00

- 4° For entering and filing appellants' or respondents' case..... 1 50

That a copy of such tariff be published in the *Quebec Official Gazette* and be entered in the Registers of the said Superior and Circuit Courts and in the Registers of the said Court of Queen's Bench, in the exercise of its jurisdiction as a Court of Appeal and Error, and that the said amendments to the said duties shall come into force and effect on and after the first day of September next, and that thereafter any portion of the existing duties contrary to the said amendments shall be revoked and cease to exist, except as regards cases in which an appeal shall have been instituted before that date.

FIRE INSURANCE.

(By the late Mr. Justice Mackay.)

[Entered in accordance with the Copyright Act.]

(Continued from page 240.)

§ 315. *Landlord and tenant.*

In *Darrell v. Tibbitts*¹ the Court of Appeal held that a landlord who had insured premises leased by him to a tenant has no right to recover for a loss, if the loss has already been made good by the tenant. Lord Justice Thesiger laid down the principle that where a contract of insurance and a contract with a third party cover the same subject matter, as a fire policy is a contract of indemnity, the assured has no right to recover.

Rodière, *Solidarité*, No. 173, says that a proprietor insured is *not* bound to cede to the insurance company his action against his tenant negligent.

Article 2584, C. C. of Lower Canada, says: "The insurer on paying the loss is entitled to a transfer of the rights of the insured against the person by whose fault the fire or loss was caused."

B is tenant in A's house. B's goods are pledged for the rent. B is burnt out, and is insolvent at the time of the fire. The insur-

¹ Court of Appeal, May 12, 1880.