

without the appointment of a tutor or curator to represent him. The general rule is that a demand cannot be made on a minor in a civil suit unrepresented, and all the exceptions, such as that established by our Statute, in allowing a minor to sue for wages, are in favor of allowing a minor to implead another party.

*Action dismissed.*

No. 174.

*Lisotte v. Bulmer.*

Motion to set aside foreclosure as there was no judge on the bench when the foreclosure was entered up.

*McKay & Austin*, in support.

*Lafrenaye & Papin*, contra.

The Court granted the motion.

*Motion granted.*

No. 2627.

*Tidmarsh v. Stephens.*

Motion to set aside Plaintiff's *enquête* on the ground that the case was inscribed on the Role for hearing on the merits at the time of the Plaintiff's *enquête*.

*David & Ramsay*, in support.

*Carter, E.*, contended 1st. that a judgment upon a former motion of Defendant's to set aside a previous *enquête* in the case, and by which the previous *enquête* had been aside, necessarily set aside all the subsequent proceedings in the case, and 2nd. that Defendant had waived his right of taking notice of such an irregularity, he having subsequently to the taking of the second *enquête*, moved to set aside the second *enquête* for other informalities, and had passed over the one now complained.

*Smith, J.*, There is evidently an irregularity in the procedure ; but I shall always be disposed to resist any trifling irregularity in a record where it is not taken up at once.

*Motion dismissed.*

Oct. 23, 1854.

*Present* :—*Smith, Vanfelson and Mondelet, (C.), J. J.*

No. 1283.

*Exparte Wood*. Applicant for Ratification of Title.

*Smith, J.*, This is an application on the part of the Applicant for Ratification of Title, that Opposant to give security of costs he being domiciled out of Lower Canada. On the part of the Opposant it is