

a *délaissement* of the property; but between the judgment and the *délaissement* he took away a number of double windows and blinds. The plaintiffs then took their recourse by *capias* under the 800th Article of the Code of Procedure, alleging deterioration. This *capias* was quashed, on petition, on the ground that, the plaintiffs having only taken hypothecary conclusions, there was no personal liability. The Court of Review, without adopting the grounds of that judgment, nevertheless, quashed the *capias* because by the evidence taken under the petition for liberation there appeared to have been no concealment; and now, on the merits comes up the question of personal liability. If the evidence now of record had been given under the petition, there can be no doubt that the *capias* would have been maintained. But that is not the point now. The only question now is as to the personal liability for taking away these things, and upon that I am against the defendant. He had pleaded to the action that these windows and blinds were to be taken as *impenses* and *améliorations* made by himself, and that he had a right to take them away, and that is really the only question in the case. The learned counsel argued his case very ingeniously; but his authorities could only apply to the case of a mere *détenant* who was neither charged with the hypothec, nor personally liable. Paragraph four of article 2065 makes this quite clear. He cannot oppose the exception of *impenses et améliorations* unless he can say that he is neither charged with the *hypothèque*, nor personally liable for the payment of the debt. Here he can pretend neither of these things, therefore his plea must be dismissed. Besides, by article 2075 C. C., the property must be surrendered in the condition in which it was at the time of the judgment. The present action is a personal one purely, for damages caused by deterioration. They are proved, and the plaintiff must have judgment.

Beique & Co. for plaintiff.

Bonin & Archambault for defendant.

GENERAL NOTES.

—Those who attend this court and courts of law, are not very good judges of the value of a horse. I remember two or three years ago I

tried a cause at Cambridge. It was an action for trover for a horse. The property being clearly made out, I proposed that the defendant should enter into a rule to deliver the horse; but that was refused; and they chose to stand the verdict; upon which I directed the jury to find all the damages laid. The special pleaders, with all the exaggeration incident to them, not having any idea of the value, only put £500 into declaration; and the jury finding a verdict for that sum, the defendant paid it with all satisfaction, the horse selling afterwards for £2,200.—[Lord Chancellor Loughborough, in *Newman*, 3 *Payne*.

COMPENSATION TO PERSONS WRONGFULLY ACCUSED.—The great reformer, Sir Samuel Romilly, once had in contemplation the passing of an act enabling criminal courts to give compensation, as will be seen from the following passage extracted from his memoirs: "What I have in contemplation to do, however, compared with what should be done is very little. It is only, in the first place, to invest criminal courts with a power of making to persons who shall have been acquitted a compensation to be paid out of the county rates, for the expenses they will have been put to, the loss of time they will have incurred, the imprisonment, and the other evils they will have suffered; not to provide that there should be a compensation awarded in all cases of acquittal, but merely that the court, judging of all the circumstances of the case, should have a power, if it thinks proper, to order such a compensation to be paid and to fix the amount of it; a similar power to that which it now has under two acts passed in the reign of Geo. II., to allow the expenses of the prosecution, and a compensation for loss of time and trouble, to the prosecutor."

—A story is told of Baron Parke which evinces a curious delight in the intricacies of professional skill. Paying a visit to one of his colleagues, a man of great intellect and attainments and a sound lawyer, who was at the time very ill, Baron Parke told his friend that he had brought him a special demurrer which had recently been submitted to the court, which was so exquisitely drawn that he felt sure it must cheer up the sick man to read it!