

## PRINCIPAL AND AGENT.

*Transfer of fire insurance risk*] See FRAUD AND FALSE REPRESENTATION, 323.

## PRIVILEGE.

*Unpaid Vendor—Privilege of.*] The privilege of *baillieur de fonds* does not give the unpaid vendor the right of opposing the seizure and sale of the immovable subject to it. *McNaughton & Exchange National Bank*, 180.

## PROCEDURE.

*Desistment from part of judgment—Costs.*] Where the plaintiff desisted from part of a judgment, and obtained *acte de désistement*, pending an appeal by the defendant from the judgment, the respondent should be held for the costs of the appeal only up to the time when he obtained *acte de désistement* as aforesaid, and the appellant having failed on the other grounds of appeal, should be condemned to pay the costs of the appeal from the date when *acte* was obtained. *Stephens & Gillespie*, 289.

— *Exception to the form—Motion to strike out allegations.*—Art. 135, C. C. P.] (1) Vague and indefinite allegations in an exception to the form may be rejected on motion of the adverse party. (2) The allegations of a pleading must be sufficiently clear and distinct to enable the opposite party to reply thereto. So, where the defendants by an exception to the form alleged that the Act incorporating the plaintiff, *La Compagnie de Jésus*, was *ultra vires*, because the persons incorporated were incapable of exercising any civil rights in the province by reason of the vows which they had taken—without specifying the vows—and because the object of their society was the promulgation of doctrines, contrary to Imperial Statutes, set forth in certain works filed as exhibits—without specifying the doctrines objected to,—these and other like allegations were rejected as vague and lacking precision. *Mail Printing Co. & Compagnie de Jésus*, 471.

— *Execution of judgment of the Court of Queen's Bench in appeal—Registration—Taxation of costs.*] (1) A judgment rendered by the Court of Queen's Bench sitting in appeal, is executory without the formality of registration in the office of the Court from which the appeal was taken. (2) Where the taxation of costs in appeal is regular on its face, and there is no proof of alleged want of notice to the adverse party, such taxation will be maintained. *Wells & Burroughs*, 451.

— *Husband and wife—Wife erroneously described as separated as to property—Exception to the form—Amendment—Husband summoned only to authorize his wife—Cannot be made a party personally on motion to amend.*] (1.) The fact that the wife has assumed the quality of separated as to property, in a deed of lease to her, does not debar her, in an action against her in that quality, from pleading by exception to the form, and proving, that she is common as to property with her husband. (2.) The plaintiff, under such circumstances, will be allowed to amend the writ and

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