

ACTIONS.

depend altogether on their merits. Whether they induce a presumption of fraud or otherwise is the question. *Fournier vs. Kirouac* 1819, No. 135.

Relations may be witnesses to actes passed before a notary, by those to whom they are related, and the acts will be valid, unless there be ground to suspect fraud in which case they may be set aside. *Ruel vs. Dumas* 1816, No. 234.
Pagé vs. Carpentier, 1821, No. 1.
Fournier vs. Kirouac.

Actes of Parliament.

Where an act of Parliament declares that the banks of a river on which the abutments of a bridge erected by an individual are to be public property, the right of the former owner is entirely extinguished whether he has or has not been indemnified. *Hausserman vs. Casgrain*, 1821, No. 622.

Admiralty.

A writ of prohibition to the court of Vice-Admiralty may be issued by the court of King's Bench. *Hamilton vs. Fraser*, 1811, No. 103.

The Code maritime of France, if it ever was in force in Canada was not a part of the common law but of the droit public and consequently was superseded by the effect of the conquest, and if it was law in the admiralty jurisdiction of that time, whether it was a part of the public law, or of the common law, it was abolished by the introduction of the marine law of England. *Baldwin vs. Gibbon*, 1815, No. 168.

Money in the hands of a Judge or Marshall of the Admiralty *virtute officia* cannot be attached by process issued out of the King's Bench. *Perrault vs. McCarthy & Kerr & D'Estimauville, Tiers Saisis*, 1816, No. 176.

Aliens.

Aliens cannot sue in *formâ pauperis*. *Barry vs. Harris*, 1810, No. 333.

Aliens cannot take lands by descent. *Rex vs. Berthelot*, 1811, No. 1.
 An alien being guardian to children who are minors resident in a foreign country can support an action of account on their behalf. *Allen vs. Coltman*, 1811, No. 248.

That the Plaintiff is an alien *enemy* must be pleaded by Exception péremptoire. *Bellinghurst vs. Lee*, 1813, No. 73.

An alien domiciled in Canada, but not naturalized is incapable of tak-