

The Legal News.

VOL. VIII. MAY 23, 1885. No. 21.

The practice of laying carpets or pieces of matting in front of houses in which entertainments are being given, has come under judicial notice in three recent cases tried before Lord Chief Justice Coleridge in London. In *De Tyron v. Waring*, the latest of the three suits, the defendant, having an entertainment at his house in Grosvenor Square, had spread a matting across the sidewalk for the benefit of his guests. The plaintiff while passing by tripped in the matting and fell down. He alleged injuries, sued for damages and obtained a verdict for \$300. The following colloquy which took place between the Chief Justice and the counsel for the defendant sums up the law on the subject:—

Lord COLERIDGE—If a person puts anything across the pavement and a person stumbles over it, the owner is liable for the consequences. The passenger is not bound to look for mats on the highway. He may look at the stars if he likes.

Mr. McINTYRE—He may run his head against a lamp-post.

Lord COLERIDGE—The lamp post is rightfully there, but any one who has a mat or carpet spread over the pavement must take care of it.

Mr. McINTYRE—The passenger may be guilty of contributory negligence.

Lord COLERIDGE—Possibly, but he is not bound to look for mats on the pavement, and his not looking for them is no evidence of negligence. Probably there was light enough for him to see the mat if he looked for it, but he was not bound to look for it. He may look at the stars if he pleases—if he can see them.

The Act 48 Vict., ch. 13 (assented to 9th May, 1885,) enacts as follows:

1. The first two paragraphs of sub-sect. b of sect. 2 of the Act 47 Vict., ch. 8, are replaced by the following:

"In the districts of Montreal, Three Rivers, and St. Francis, every juridical day is reputed to be a term day for all purposes whatever."

2. The last paragraph of the said sub-section b of the said section 2 is amended by striking out the words "in the district of Montreal only," in the first line thereof, and replacing them by the following: "except in the district of Montreal."

AMENDMENTS TO THE CODES.

The Act 48 Vict., ch. 20, makes the following amendments to the Civil Code and the Code of Civil Procedure:—

AMENDMENTS TO THE CIVIL CODE.

1. Article 1543 of the Civil Code is amended by adding thereto the following paragraph: "In the case of insolvency such right can only be exercised during the fifteen days next after the delivery."

2. Article 1896 of the said Code is amended by adding the following paragraphs:—

"If a partnership be dissolved or a judicial demand be made for such dissolution, the Court or the Judge, upon the demand of one of the partners, after notice given to the others, has power to appoint one or more liquidators.

"The liquidators so appointed shall be sworn to well and faithfully perform the duties of their office;

"They immediately give notice of their appointment by an advertisement to that effect, published in the *Quebec Official Gazette*, and in two newspapers, one in the French and the other in the English language, published at the place of business of the partnership or at the nearest place and in such other manner as the Court or Judge may prescribe.

"They become *pleno jure* seized of the assets of the partnership for the purpose of the liquidation; they furnish the security prescribed by the Court or Judge, and are in all respects subject to the summary jurisdiction of such Court or Judge.

"They possess all the powers and are subjected to all the obligations of judicial sequestrators, with the exception of the putting into possession, which is done without the intermediary of a bailiff.

"Acts exceeding those of administration, cannot be performed by the liquidators without the consent of all the partners, and in default of such consent only with the approval of the Court or Judge, after previous notice to the members of the partnership.

"The remuneration of the liquidators is fixed by the Court or Judge.

"Proceedings respecting the appointment of liquidators and the performance of the duties of their office are summary.