

ACTIONS.

- 2.—A general allegation of ill treatment will not support an action *en séparation de corps*. The facts on which the demand is founded must be set forth specially as to time, place and circumstance. *Boulangier vs. Wheat*, 1821, No. 251.
- 3.—A confirmed habit of intoxication is a menace of danger in its consequences and as such a legal cause of *séparation de corps*. *Craven vs. Craven*, 1821, No. 418.
- 4.—Long absence of the husband is not a cause for a *séparation de corps*, but it is a sufficient cause for a *séparation de biens*. *Gravel vs. Girard*, 1821 No. 805.

Sec. XXIII.—On statutes penal qui tdm.

ACTIONS.

- 1.—Costs may be awarded in a *qui tdm* action, and two witnesses to different acts in breach of the statute are sufficient. *Puise (qui tdm) vs. Fay*, 1812, No. 412.
- 2.—An action on the statute 33. Geo. III, cap. 2, sec. 5 upon a promissory note not expressed to be for value received cannot be maintained if there be but one count in the note and no other evidence than the note itself. *Saul vs. Kemble*, 1813, No. 23.
- 3.—In an action grounded on the *arrest* of 1711, the case stated in the declaration, (the arrest being a penal statute which may effect a forfeiture of real estate) must lie within the letter of the *arrêt*. *Dubois vs. Caldwell*, 1820, No. 92.

Actes Authentiques et sous seing privé.

- A copy of a paper originally executed before one Notary only, cannot be received as evidence of an *acte authentique*. *Miville vs. Roy*, 1809, No. 45.
- An *acte en brevet* does not create a *mortgage*. *Belair vs. Godreau* 1810, No. 10.
- None but a public officer can render an *acte authentique* by his presence where it is executed. *Exparte Geo. Spratt*, 1816, No. 128.
- The ordinance of 1731 is not a part of the law of Canada ; if therefore there be two witnesses to a notarial *acte* who do not write, this does not vitiate it, if it be executed in a country-parish, for the ordinance *de Blois* requires written signature by witnesses en "*gros bourgs et villes*" only ; they are not even there required *à peine de nullité*. *Ruel vs. Dumas & al.* 1816, No. 234.
- A notarial *acte* of obligation for money can be novated by an *acte sous seing privé* and the mortgage thereby created can by the same means be destroyed. *Nadeau vs. Robichaud*, 1818, No. 301.
- A Notary can pass an *acte* for his relations especially if the *acte* he passes be contrary to their interest ; but cases of this description