

the succession duties have not been paid on the property thus given. *St. Jacques v. Morrison*, 13 Que. P. R. 144.

Solicitor.] — It is not necessary that the plaintiff in a revived action should be represented by the attorneys of the plaintiff in the original action. *Levesque v. McLean*, 9 Que. P. R. 109.

Stay of proceedings—Pleading—Jury.] — The revivor of an action not changing the issue joined upon the merits of the action, the Court will refuse a motion to stay proceedings in order to allow of the filing of a new plea or a new statement of facts for the jury. *Stinson v. Merchants Telephone Co.*, 8 Que. P. R. 244.

Substituted plaintiff—Consent—Costs—Transfer pendente lite—Stay.] — It may in rare cases, such as *Chambers v. Kitchen*, 16 P. R. 219, be "necessary or desirable" under Rule 396 to add or substitute a person as plaintiff, without the consent required by Rule 206 (3), upon the application of the opposite party; but where it becomes necessary to substitute a person as plaintiff without his consent, to prevent injustice, he should not be exposed, without some further action on his part or adoption by him of the position into which he is forced, to any liability for damages or costs. Under the circumstances of this case, the fact that F. had become *pendente lite* the transferee of the promissory note sued on did not entitle the defendants to an order substituting him as plaintiff and making him liable for the costs of the action. But the original plaintiff could not be allowed to prosecute the action further, because he had no longer any interest in it, and F. could not be allowed to do so, because he had not caused himself to be substituted as a plaintiff nor obtained leave to proceed in his own name upon the judgment pronounced in favour of the plaintiff, which had not been entered, but from which the defendants sought to appeal; and all further proceedings in the action should, therefore, be stayed, but without costs. *Murray v. Wurtele*, 20 C. L. T. 453, 19 P. R. 288.

Survival of action — Separation de corps—Universal legatee.] — The universal legatee of a deceased plaintiff, suing his wife for *separation de corps*, has a right to continue the action, especially where the plaintiff has made a claim that the defendant shall be deprived of the right of exercising the advantages given to her under her marriage contract. *Lemay dit Delorme v. Brail*, 6 Que. P. R. 221.

Uncontested petition — Judgment.] — If a petition for revivor after the death of the plaintiff is not contested within the time fixed, it is not to be considered admitted: Art. 272, C. P.; and a judgment to that effect is unnecessary. *Jasmin v. Sauriol*, 2 Que. P. R. 508.

See **BILLS OF SALE AND CHATTEL MORTGAGES—COSTS — EXECUTORS AND ADMINISTRATORS—HUSBAND AND WIFE—LIMITATION OF ACTIONS—MORTGAGE.**

REVOCATION.

See **GIFT — JUDGMENT — LICENSE—MUNICIPAL CORPORATIONS — TRUSTS AND TRUSTEES—WATER AND WATERCOURSES —WAY—WILL.**

REWARD.

Extraordinary services — Arrest of thieves—Danger—Value of services.] — One who has, even at the peril of his life, voluntarily joined in capturing robbers, and by reason of whose efforts the victim of the robbery has received a considerable sum, cannot recover from the latter more than the actual value of his services, and cannot exact a reward for the courage he has displayed and the risks he has run. *Wark v. People's Bank of Halifax*, 18 Que. S. C. 480.

RIGHT OF WAY.

See **WAY.**

RIPARIAN PROPRIETORS.

See **WATER AND WATERCOURSES.**

RIVERS.

See **WATER AND WATERCOURSES.**

ROYALTIES.

See **MINES AND MINERALS—PATENT FOR INVENTION.**

RULE NISI.

Judgment — Bills of costs — Production.] — It is not necessary in order to obtain a rule nisi to allege that copies of the judgment and the bills of costs will be produced at the time of the argument of the rule upon the merits, in view of the fact that there is no necessity for the production of such documents. *Cordasco v. Vendetti*, 9 Que. P. R. 108.

Re-issue—Return—Time.] — The Court is without power to order the re-issue of a rule nisi or to extend the delay which has expired for the return thereof. *Palliser v. Vipond*, 6 Que. P. R. 304.

See **CONTRACT—CROWN LANDS—MOTION.**

RULES OF COURT.

Amendment — Retroactivity.] — See *Bank of British Columbia v. Trapp*, 20 C. L. T. 464.

See **COSTS.**