

43

SUBSTITUTION—Continued.

in favor of a purchaser in good faith with title, runs against a substitute who is a minor, only from his majority. *McGregor v. Canada Investment & Agency Co.*, 196.

— *Sale—Remplot—Eviction—Fear of trouble.*] (1) The buyer of an immovable subject to a substitution, but which the substitute has a right, by the deed establishing the substitution, to sell on re-investing the proceeds for the substitution, is entitled to retain the purchase price until the seller has complied with the conditions of the deed by making the re-investment. (2) It is not sufficient for the buyer to show that he has bought another property which he intends to buy for from the proceeds of the substituted property; he must make the declaration requisite to establish that the purchase is a re-investment in the interest of the substitutes. (3) A substitution with permission to sell on condition of re-investment, is a good ground for fear of trouble or eviction, until the re-investment has been made. *Desjardins v. Dagenais*, 280.

SUCCESSION.

Payment of debts.] Where a succession is left to an executor in trust, with power to divide it among testator's children when and how he pleases, creditors of the succession have no action against the children so long as the apportionment has not been made. *Martin dit Ladouceur v. Monais*, 189.

TARIFF OF FEES.

Cases not provided for by the tariff—Petition for removal of bailiff.] Cases where the tariff omits to provide for prothonotary's and attorney's fees should be decided in accordance with analogous cases provided for by the tariff. *Corporation des Huissiers v. Côté*, 32.

WATER COURSE.

Riparian rights—Art. 503, C. C.] (1) Where a property traversed by a running stream is subdivided, the portions which are no longer riparian preserve the rights to the water which attached to them before the division. (2) Those interested may regulate the flow of the water; and a riparian proprietor who solicited a subscription from another person to defray the cost of pipe laid for the purpose of conducting the water, cannot subsequently pretend that such person has no right to the use of the water course. *Godin v. Lortie*, 13.

WILL.

Power of apportionment—Payment of debts.] See SUCCESSION, 189.

Erratum.—On page 453, fifth line of headnote, for "cannot be enforced, etc." read "does not constitute a title which the buyer is obliged to accept, where the vendor covenants to give perfect title."