

## PROCEDURE—Continued.

question was im-  
superior Court hav-  
on raised referring  
d by exception to  
sendant acknow-  
without specifying  
edgment of debt  
section 2 of Article  
paper only. / In-

culcation of facts  
interrogatories, does  
C. C. P., and will  
e, 237.

(1.) While the  
state the cause of  
Court to decide  
necessarily state  
(2.) Departure  
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attachment before

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acts of sequestration  
ment. *Mallette v.*

ment.] The per-  
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required in the  
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the interest of the  
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dispute as to the  
claiming damages  
evé, 157.

n, 447.

where a party is  
the Court of Re-  
rom making the

] The costs of

suit cannot be added to the principal, in order to form the sum of \$40 required to seize real estate, the costs belonging to the attorney of the successful party and being determined only by taxation subsequently to the judgment. *Jenckes Machine Co. v. Hood*, 203.

— *Service of petition by prisoner for alimentary allowance.*] The petition by a prisoner, under Art. 700, C. C. P., for an alimentary allowance, must be served upon the creditor; service upon his attorney *ad litem* is insufficient. *Bastien v. Charbonneau*, 42.

— *Summary matters—Notice of inscription for proof and hearing.*—Art. 897a, C. C. P.] By Art. 897a, C. C. P., as amended by 53 Vic. (Q.), ch. 61, s. 2, a notice of five clear days to the adverse party is required of an inscription for proof and for hearing immediately after proof in contested cases, in summary matters. *Conroy v. Mount*, 143.

— *Summary matters—Inscription for proof and hearing at the same time.*] In summary cases in which the law requires a notice of five days of inscription for proof and hearing, the inscription must be filed at the office of the prothonotary at least five days before the day fixed for the hearing of the case. *Bleau v. Brissette*, 206.

— *Summons.*] It is sufficient that the summons order the defendant to appear on a day fixed without adding, "or on the next following juridical day." *Dessaulles v. Stanley*, 153.

— *Union of causes—Transmission of record to another district.*] The Superior Court sitting in one district has no authority to order that the record of a cause pending in such district be transmitted to another district, to be joined to the record of a cause therein pending. *Compagnie du Chemin de Fer de la Baie des Chaleurs v. Macfarlane*, 272.

— *See CAPIAS; COSTS; HUSBAND AND WIFE*, 162, 186; *INSOLVENCY*, 159; *JURISDICTION; PLEADING.*

## PROMISSORY NOTE.

— *Consideration.*] Where a debtor is relieved from paying part of his debt, by an agreement of composition signed by his creditors, the natural obligation subsisting as to the part remitted, may form a valid consideration for a new obligation, and an action may be brought on a promissory note so made by the debtor. *Lockerby v. O'Hara*, 35.

— *Evidence.*—Art. 2341, C. C.] (1.) In a suit founded on promissory notes or bills of exchange, in the investigation of facts recourse must be had to the laws of England in force on the 30th May, 1849. (C. C. 2341.) (2.) According to the laws of England parol evidence is admissible to establish the real relationship of the parties to a bill of exchange or promissory note, and the cir-