

*Jury trial—Misdirection—Art. 414, C.C.P.—Verdict against evidence—New trial.*

*Held:* 1. A verdict will not be set aside for misdirection by the court as to a point not material to the issue, and where it appears that justice upon the whole case was done and the proper question left to the jury.

2. Where the jury have properly and sufficiently answered one of the questions submitted to them, it is a sufficient compliance with Art. 414, C.C.P., if they refer, in their answer to a subsequent question, to their former answer as containing a sufficient reply to the question.

3. A new trial will not be granted on the ground that the verdict is against evidence, even where the court would have come to a different conclusion from that reached by the jury; but there must be such a preponderance of evidence as to make it unreasonable for the jury to find the verdict complained of.—*Royal Canadian Insurance Co. & Roberge*, Montreal, Baby, Bossé, Blanchet and Hall, J.J., December 23, 1892.

---

*Summary Matters—Curator—Exception to the Form—Attorney's Signature—Arts. 56, 887, C. C. P.*

*Held,* 1. The curator has the same right as the party he represents to proceed summarily in the cases mentioned in article 887, C. C. P., as amended by R. S. Q. 5977, 53 Vic. c. 61, s. 1, and 54 Vic. c. 41, s. 4

2. An exception to the form will not be maintained on the ground that the signature of the attorney certifying the copy of declaration was not written by the attorney himself, if it be proved that the signature is in the handwriting of a person duly authorized to sign for the attorney, the defendant in such case having no grievance.—*Prince & Stevenson*, Lacoste, C. J., Bossé, Blanchet, Hall & Wurtele, J.J., Montreal, Feb. 28, 1893.

---

*Exécuteur testamentaire—Saisine—Inventaire—Interprétation—Arts. 917, 918 et 919, C. C.*

*Jugé,* L'exécuteur testamentaire est saisi des biens meubles du testateur au moment du décès de ce dernier, indépendamment de la confection de l'inventaire.

L'art. 919 C. C., ne fait qu'énoncer les devoirs de l'exécuteur testamentaire, à défaut de l'accomplissement desquels, l'héritier,