

The Legal News.

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The diminution of the appeal list at Montreal, anticipated on p. 177, was nearly borne out by the fact, the September list containing but 89 appeals, against 109 in the list for September, 1886. An examination of the previous lists shows that the court has about completed the hearings in cases set down in January last, in addition to Crown and other privileged cases. Seven judgments were rendered in cases heard during the September term, the appeal being dismissed in every case.

Mr. Charles, Q. C., has been appointed to the vacancy in the Queen's Bench Division, caused by the resignation of Mr. Justice Grove, referred to in our last issue. The *Law Journal* says of the new judge: "Sir William Grove's successor is a man who for some years has only not been made a judge when there was a vacancy, because what is everybody's business is nobody's business. He has declared himself a Conservative in politics, but his seat on the bench was a matter altogether independent of everything but his fitness for it. Mr. Charles has borne the burden and heat of the day at the bar as a junior on circuit, a reporter in the Exchequer, and as a leader in heavy cases involving profound law. His practice has been varied, but his breadth of view has not been spoilt even by the subtleties of ecclesiastical disquisition. In the opinion of his circuit, which on this head is generally infallible, he is a man of fine temper, actively good-natured, but strong-willed. Like Lord Herschell and the late Mr. Justice Quain, he entered on the world from the London University College. High expectations of a new judge are said to be unlucky, but Mr. Charles' qualities are of a kind about which there is no uncertainty."

The following, from the *Albany Law Journal*, is suggestive of one of the inconveniences of the judicial office:—"Our advice to law-

yers about vacation has been followed by at least two very high judicial dignitaries of this State, who attend base-ball matches together. Probably they find the benches rather less easy than that which they are accustomed to sit on as magistrates. For ourselves, we never attend a ball game without recalling an anecdote of a celebrated Vermont judge, of whom one of the 'side judges' once said that the former never asked the latter his opinion more than once, and that was at the close of a tedious day's session, when he turned to him and said, 'I ache like fury! Don't you?'—or words to that effect."

COUR SUPERIEURE.

MALBAIE, (Dist. de Saguenay), 5 sept. 1887.

Coram ROUTHIER, J.

POTVIN v. LUCIEN TRUCHON, et JOS. TRUCHON
Opposant.

Opposition à une saisie-immobilière émanée de la Cour de Circuit—Affidavit.

JUGÉ:—1o. *Qu'après l'émanation d'un bref de "Fieri facias de terris" contre les biens immobiliers du défendeur, rapportable à la Cour Supérieure, la juridiction de la Cour de Circuit est épuisée, et que toutes les procédures subséquentes relatives à l'exécution sont de la juridiction de la Cour Supérieure.*
2o. *Qu'en conséquence une opposition afin d'annuler la saisie immobilière doit être adressée à la Cour Supérieure, et que l'affidavit accompagnant cette opposition ne doit pas être assermentée devant le greffier de la Cour de Circuit. (C. P. C. art. 1088—S. R. B. C. s. s. 203-206).*

La motion demandant le rejet de l'opposition est accordée avec dépens.

J. S. Perrault, pour le demandeur contestant.

A. H. Simard, pour l'opposant.

(C. A.)

COUR DE CIRCUIT.

SAGUENAY, 31 janvier 1883.

Coram ROUTHIER, J.

DUFOUR v. DUFOUR.

Droit de rétention—Fruits et revenus—Impenses et améliorations.