

the painstaking care of the editor, Mr. Twiss, who has wisely published also the original Latin text. This can be usefully read in connection with the Year Books. It will be a long time before the later Year Books will be reached at the present rate of progress.

There are some interesting facts concerning these volumes independently of their legal value. They are written in a language at the time of their composition dead. New words must be incorporated bodily from the English or Latin. Thus it is a medley of French, English and Latin. Occasionally there will stare out from a wilderness of black letter French, a plain English proverb or well rounded English sentence. Towards the latter period of the employment of Norman French, the French and English words were sometimes nearly evenly balanced. I submit a curious specimen of English-French, or French-English, it is difficult to say which, interlarded with Latin, said to be written by Chief Justice Treby in the margin of Dyer's reports (p. 188, b). It also illustrates the savage judicial customs of the time. What the Chief Justice wished to say was that "Chief Justice Richardson, of the Court of Common Pleas at the Assizes at Salisbury in the summer of 1631, was assaulted by a prisoner there condemned for felony, who, after his condemnation, threw a brickbat at the said Justice, which narrowly missed him. And for this act an indictment was drawn immediately by Noy (Attorney General) against the prisoner, whose right hand was amputated and fixed to a gibbet, upon which he himself was immediately hung *in the presence of the Court.*" What he in fact wrote was this:—"Richardson C. J. de C. B. at Assizes at Salisbury in summer 1631, fuit assault per prisoner la condamne fur Felony—que puis son condemnation ject un Brickbat a le dit justice, que narrowly mist. Et per ceo immediately fuit Indictment drawn pur Noy envers le prisoner et son dexter manus ampute et fixe al Gibbet, sur que lay mesme immediatement hange in presence de court." Such was law French in its last stage of decomposition. In the early time it was much purer. (The fact is that when the brickbat approached Judge Richardson he ducked, so that he lost only his hat. He being an in-

veterate joker called out, "You see, now, if I had been an upright judge I had been slain." And thus it happened that the ruin of the judge's hat was balanced by the loss of the prisoner's life. But then, prisoners were of no account in those days.)—THEODORE W. DWIGHT, in *Columbia Jurist*.

## COUR SUPÉRIEURE.

JOLIETTE, 1885.

Coram CIMON, J.

LA BANQUE JACQUES-CARTIER V. LEPROHON.

Action pour rendre jugement exécutoire—C. P. C.

art. 546.—Défaut de juridiction.—C. P. C.

art. 114.

JUGÉ:—1o. *Que l'action pour faire déclarer un jugement exécutoire est de la compétence exclusive du tribunal du district où se trouve le jugement originaire;*

2o. *Que si telle action est prise devant le tribunal d'un autre district, celui-ci se déclarera incompetent.*

CIMON, J. Le 20 novembre 1862, la demanderesse a obtenu devant la Cour Supérieure siégeant à Montréal, district de Montréal, un jugement contre P. C. Léodel pour \$302, avec intérêt et les dépens. Celui-ci est décédé, et la demanderesse assigne le présent défendeur devant la Cour Supérieure siégeant à Joliette, district de Joliette, alléguant qu'il est le légataire universel du dit P. C. Léodel, et elle demande à ce que la présente Cour Supérieure siégeant à Joliette déclare que le jugement prononcé par la Cour Supérieure siégeant à Montréal le 20 novembre 1862 soit exécutoire contre le présent défendeur.

Celui-ci a comparu, mais n'a pas plaidé.

Evidemment cette cour siégeant à Joliette n'a pas juridiction pour accorder les conclusions de la demanderesse. Cette action doit être prise devant le tribunal, à Montréal, qui a rendu le premier jugement; c'est là, à Montréal, où se trouvent ce jugement et le dossier originaire. L'art. 546 du Code de Procédure s'exprime ainsi: "... Si elle (la partie) change d'état ou décède avant l'exécution, le jugement ne peut être exécuté contre elle, ou contre ceux qui la représentent, à moins qu'il n'intervienne un autre jugement qui déclare le premier exécutoire contre elle, ou contre ses représentants ou ayans cause."