

set up by compositors from the original manuscripts. These facts show that sufficient legibility can be attained to enable others to read short hand manuscripts, and it is obvious that the labor imposed on the judges would be less than that entailed on them at present at criminal trials where the judge alone takes notes. We offer this, however, as a simple suggestion, and not as a matured opinion.

#### JUDGE MILLER'S ADDRESS.

Mr. Justice Miller has occupied a seat on the bench of the Supreme Court of the United States for sixteen years, and besides the long and varied experience thus acquired, brings a clear judgment and an eloquent pen to the treatment of his theme. His address on legislation affecting the judiciary and the administration of justice generally, which will be found in the present issue, will well repay careful perusal.

**CORRECTION.**—Our attention has been called to an obvious erratum on page 481, in reference to the case of Sanborn, insolvent. At line 20 it is said that the "application" was rejected. As the context shows, it was the insolvent's "pre-  
tention" that was rejected, for the application was by the assignee to have the watch given over to him, and this was granted by the Court. We may take this occasion to say that we shall be thankful to any reader who observes an inaccuracy in the LEGAL NEWS, to call our attention to it. We strive to attain the utmost degree of accuracy, but if error by any chance creeps in, we are anxious that the correction shall be made in the same volume, so that no misconception may arise hereafter.

### REPORTS AND NOTES OF CASES.

#### CIRCUIT COURT.

Montreal, Oct. 31, 1878.

PAPINEAU, J.

LA COMPAGNIE D'ASSURANCE DES CULTIVATEURS V.  
BEAULIEU.

*Tariff—Preliminary Exceptions—Action for \$60  
and under.*

*Held*, that in cases for \$60 and under, preliminary exceptions should be received gratuitously by the clerk

of the Court. The deposit of \$4, and the fee of 6s. 8d. mentioned in the 25th Rule of Practice for the Circuit Court, being exigible only in cases above \$60.

The action was for a sum under \$60. The defendant having a *q̄rant* to call in, filed a dilatory exception for that purpose, without making the deposit of \$4 required by the 25th Rule of Practice, or paying the fee of \$1.40, which she contended was not required in cases of \$60 and under.

*N. Durand*, for plaintiff, moved that the dilatory exception be rejected, being unstamped, and unaccompanied by the deposit required by law and the 25th Rule of Practice.

*J. G. D'Amour*, for the defendant, resisted the motion, contending that the 25th Rule of Practice had reference only to cases above \$60. He referred to *Alie v. Gamelin*, 14 L. C. J. 134; and *Dexjardins v. Chretien*, 15 L. C. J. 56.

The Court rejected the motion, remarking that the jurisprudence was now settled both in the District of Montreal and Quebec.

Motion rejected.

*N. Durand* for plaintiff.

*D'Amour & Dumas* for defendant.

#### SUPERIOR COURT.

Montreal, Nov. 15, 1878.

TORRANCE, J.

MELLES et al. v. SWALES.

*Motion for Security for Costs—Delay—Art. 107  
C. C. P.*

*Held*, that a motion for the production of a power of attorney and for security for costs cannot be presented after the expiration of four days from the return of the writ of summons.

*Bethune & Bethune* for plaintiffs.

*E. Carter, Q. C.*, for defendant.

Montreal, Nov. 18, 1878.

MACKAY, J.

ANDERSON V. GERVAIS, and GERVAIS, Petitioner.

*Insolvent—Permission to continue Trade.*

*Held*, that a Judge has no jurisdiction under the Insolvent Act of 1875, to permit a trader to continue his trade, against whom a Writ of Attachment under the Act has been issued.

On the 6th of November instant, upon the affidavit of the plaintiff, disclosing a debt