

tices. IX. Juvenile institutions. The citation of cases is ample, and there is a good index.

CODE DE PROCÉDURE CIVILE ANNOTÉ, by P. B. Mignault, Avocat.—J. M. Valois, Publisher, Montreal.

This new annotated edition of the Code of Civil Procedure is a work of considerable extent, the increasing number of practice decisions having swelled the volume to over six hundred pages. The author refers to the continual amendment which the Code of Procedure has undergone since its adoption. In the Revised Statutes of 1888, 151 articles appear as amended, three repealed, and 133 added. And in the short period which has elapsed since the appearance of the Revised Statutes 42 articles have been amended, 39 repealed and 24 added. These changes have destroyed in a measure the utility of the Code as a concise presentation of the law, and necessitate compilations showing the amendments to date as well as the decisions bearing upon the Code of Procedure. The present work has involved considerable labour, and includes all amendments up to date, with the new tariff of fees which came into force on the 1st September, 1891. About 2,700 decisions are referred to, and in some cases notes and references to authors are added. The reputation of Mr. Mignault as a careful and painstaking editor will give the volume additional value in the eyes of the profession, and we have no doubt that it will be found a welcome aid in their labours.

SUPERIOR COURT—MONTREAL.*

Husband and wife—Insolvency of husband—Liability of wife separated as to property.

Held:—That in the absence of a special agreement, a wife separate as to property is not responsible for rent of a house occupied by the family during the insolvency of the husband.—*Harwood v. Fowler*, in Review, Johnson, Gill, Tait, JJ., Dec. 31, 1889.

Costs—Action of damages for personal wrongs—Art. 478, C. C. P.

Held:—That Art. 478, C. C. P., which pro-

* To appear in Montreal Law Reports, 7 S. C.

vides that in actions of damages for personal wrongs, if the damages awarded do not exceed forty shillings sterling, no greater sum can be allowed for costs than the amount of such damages, deprives the Court of power to allow the plaintiff the costs of the action where no damages whatever are awarded. And this restriction exists even where it appears that the plaintiff, by a statement in writing, waived his claim to any condemnation in his favor except for the costs of the suit.—*Browning v. Spackman*, in Review, Johnson, Ch. J., Mathieu, Wurtele, JJ., April 30, 1891.

Capias—Ship captain leaving for Great Britain—Fraudulent departure.

Held:—The simple fact that the defendant is leaving the country without paying a debt does not constitute by itself a fraud on the part of the debtor, and it is necessary to prove an intent to defraud in order to maintain a *capias*.—*Tremblay v. Graham*, Loranger, J., July 27, 1891.

False imprisonment—Justice of the peace—Illegal commitment of witness—Malice—R. S. C. cap. 178, s. 32—Damages.

Held:—That justices of the peace are responsible in damages where they act illegally and maliciously, *e. g.* in committing a person to gaol for refusal as a witness to answer a question at a trial which had taken place before them, the order of imprisonment being signed out of Court some days after the termination of the trial, and under circumstances indicating malice.—*Gauvin v. Moore et al.*, in review, Jetté, Mathieu, Wurtele, JJ., June 27, 1891.

Arbres d'ornement—Rue Publique—Propriété—Dommages—Cité de Montréal.

Jugé:—1. Que les arbres d'ornement qui sont plantés sur la voie publique, dans la cité de Montréal, sont la propriété des propriétaires des lots de terrain faisant front sur la rue; et que ces arbres doivent être considérés comme un accessoire de la propriété des dits terrains.

2. Que ces propriétaires ont une action en dommage contre la cité de Montréal pour avoir fait couper et enlever ces arbres.—*Beauchamp v. Cité de Montréal*, Lynch, J., 28 avril 1891.