

SCHOOLMASTER, AUTHORITY OF.

School discipline—Art. 245, C. C.—[*Reasonable and moderate correction.*] In the exercise of the right of "reasonable and moderate correction" permitted to the schoolmaster *in loco parentis* by Art. 245, C. C., no punishment is justifiable which may result in serious or permanent bodily injury to the pupil; and therefore where a teacher dragged a child aged seven years by the ear, to compel him to kneel down, and the ear was so injured as to require medical attendance during several weeks, the school authorities were condemned to pay \$50 damages, with costs of an action of \$200. *Lefebvre v. Congrégation des Petits Frères de Ste-Marie*, 490.

SECRETARY-TREASURER. *See* MUNICIPAL LAW.

SERVITUDE.

Tolerance.] Where a person has made openings in a division wall, and his neighbour has submitted to them without protest during several years, only nominal damages will be allowed for the violation of right. *Lungevin dit Laeroux v. Bourbonnais*, 317.

SLANDER. *See* LIBEL AND SLANDER.

SUBSTITUTION.

Final alienation of property of—Art. 953, C. C.] The final alienation of the property of a substitution cannot validly be effected while the substitution lasts, except in the manner indicated in Art. 953, C. C., and the sale of such property by judicial authorization on the advice of a family council, and with the consent of the tutor to the substitution, does not constitute a title which the buyer is obliged to accept, where the vendor covenants to give perfect title. *Joyce v. Hodgson*, 453.

Sale by authority of justice—*Sheriff's sale*—Arts. 710, 1278 C. C. P. Arts. 297, 298, 945, 993, 1484, 2207, 2232, 2251, 2254, 2258, C. C.

Fraud—Nullity—Prescription.] (1) The will in this case created a substitution in favour of plaintiff. (2) A sale of substituted property by authority of justice, is null as regards the substitute who was not represented therein, where the authorization to sell was obtained by the tutrix fraudulently concealing the will creating the substitution (not yet open), and by also withholding information as to the assets and grossly overstating the debts of the succession. (3) A sale under judicial authorization is also null, where the property of a minor not represented by a tutor *ad hoc*, is sold to his tutrix through persons interposed who were merely *prête-noms*, and made no payments on account of the price. (4) The substitute may assert his claim to property so sold, even against a third party who has become the purchaser thereof at sheriff's sale under an execution issued against a person who held the property under title from the tutrix, such sale having taken place after the substitute became of age, but before the substitution was open. (5) The ten years' prescription