

la solidarité n'existe que dans le cas où les faiseurs d'un billet sont commerçants. Mackay, J.

30 décembre 1870.

*Boucher vs. Brault.*—Jugé : Qu'un locataire, après avoir fait protester son locateur que la maison louée est inhabitable peut laisser cette maison, sans avoir fait résilier le bail et qu'une saisie-gagerie par droit de suite pratiquée par ce locateur est mal fondée, si le locataire prouve qu'en réalité la maison était inhabitable. S. C. Montréal, per Mondelet, J.

La rédaction de la Revue doit à l'obligeance de Mr. Colston le sommaire des décisions suivantes, prononcées à Québec en décembre dernier.

No. 22. *Leduc & Oullet.* Held : That the delay of 25 days mentioned in C. P. C. art. 1149, within which the petition in appeal from a judgment of the Circuit Court must be filed with return &c., is final and *limitatif*. Q. B. in appeal.

No. 14. *Villeneuve & Bédard.* Held : That pending an appeal from a judgment dismissing an action en séparation de corps et de biens, the Court will not grant a provisional alimentary allowance to the wife, Plaintiff in Court below. (Ibid.)

No. 881. *Ulric Arcand v. Charles Blanchet & François Croteau.*—In January, 1848, Croteau executed a deed of obligation for £50 and interest, in favour of Arcand's auteur, and mortgaged thereby a certain piece of land, which in June, 1855, he sold to Blanchet, who by the deed of sale bound and obliged himself to pay the said debt, and who the same day executed another deed of obligation, without novation for £75 and interest, being the principal and interest accrued on the original debt in favour of the Plaintiff's auteur. Action against Blanchet and Croteau for joint and several condemnation for amount due under the said deeds. Action dismissed on demurrer. No action for a joint and several condemnation lies. S. C. Quebec, Taschereau, J.

No. 901. *Louis Lemieux vs. Marie Forcade,* curator to Gabriel Lemieux, her husband interdicted for drunkenness.

Held : That the defendant could be sued alone ; that her husband need not be put *en cause*, and that she need not be authorized specially for that purpose. Same Court, Taschereau, J.

#### ENGLISH DECISIONS.

*Park Gate Iron Company, Limited, and Coates.*—The provisions of 13 and 14 Vict. c., 61, s. 14, requiring the party appealing from the decision of a County Court judge to give a notice of appeal and security for costs within ten days, are not conditions precedent to the jurisdiction of the court to hear appeal, and they may therefore be waived by the respondent. 5 L. R. C. P., 634.