

## SUPERIOR COURT.

MONTREAL, September 27, 1883.

(In Chambers.)

Before TORRANCE, J.

MILLOY v. O'BRIEN, and BURY et al., assignees,  
and MILLOY, petitioner.*Costs in Review—Discontinuance after factum  
filed.**Where the party inscribing in Review discontinues  
after inscription and after factum has been  
filed by respondent, the latter is entitled to costs  
as of a case settled before hearing.*

Motion to revise taxation of costs, which allowed defendant's attorney a fee of only \$6, (instead of \$20 as claimed), where the plaintiff had desisted from his inscription in Review after defendant's factum was filed.

The JUDGE granted the motion and allowed a bill of \$30.55, viz.: appearance \$3, attorney \$20, factum \$6, bill \$1.55.

Motion granted.

*Doherty & Doherty*, for plaintiff.*J. L. Morris*, for defendant.

## CIRCUIT COURT.

MONTREAL, October 16, 1883.

Before RAINVILLE, J.

EVANS v. HURTUBISE, and De BERCYZ, adjudica-  
taire, petitioner.*Procedure—Jurisdiction.*

*Under a judgment in the Circuit Court certain real estate of defendant was sold by the sheriff, who filed his return in the Superior Court, and the report of distribution was made there. The defendant refused to give possession. Held, that the application of the purchaser for a writ of possession should be made to the Superior Court and not to the Circuit Court.*

RAINVILLE, J., said although the suit was in the Circuit Court, this Court had no jurisdiction to grant a writ of possession, as the sheriff's return had been filed in the Superior Court, and the report of distribution had been made there.

Petition dismissed without costs.

*J. L. Morris*, for petitioner.*Loranger & Beaudin*, for defendant.

## RECENT QUEBEC DECISIONS.

*Curator to délaissement.*—The functions of a curator to a *délaissement* cease by the payment of the hypothecary debt, *ipso facto*.—*Moncatel v. Ross*, 27 L. C. J. 218.

*Jurisdiction—Cause of action.*—Le contrat par un *negotiorum gestor* ne lie les parties qu'après que l'obligé a été averti par le représenté qu'il le ratifiait, que le lieu du contrat est celui où l'obligé en a reçu et accepté la proposition, et qu'une condition de livraison dans la province de Québec n'est pas suffisante pour donner juridiction au tribunal du district où elle devait s'effectuer, et permettre d'y assigner la partie qui résidait et s'est obligé dans la province d'Ontario.—*Tourigny v. Wheeler*, Court of Review, Quebec, Stuart, Casault and Caron, JJ., 9 Q. L. R. 198.

*Quebec Controverted Elections Act, 1875—Deposit.*—The petitioner, and not his attorney, is given by the Statute the right to withdraw the deposit.—*Dionne v. Gagnon*, S. C., Quebec, Alley, J., 9 Q. L. R. 210.

*License Act—Prohibition.*—The Legislature of the Province of Quebec was duly vested, under the B. N. A. Act, 1867, with power to enact the provisions contained in the 2nd and 71st sections of "The Quebec License Law of 1878."—*Dion v. Chauveau et al.*, S.C., Quebec, Alley, J., 9 Q. L. R. 220.

## GENERAL NOTES.

In *Mullaby v. People*, 87 N.Y. 367, the dog was eulogized by the Court in the following strain:—"When we call to mind the small spaniel that saved the life of William of Orange, and thus probably changed the current of modern history (2 Motley's Dutch Republic, 398); and the faithful St. Bernard, which, after a storm has swept over the crests and sides of the Alps, starts out in search of lost travellers, the claim that the nature of a dog is essentially base, and that he should be left a prey to every vagabond who chooses to steal him, will not now receive ready assent."

The French "executioner of high works" for the time being is M. Diebler. M. Diebler succeeded the better known M. Roch. If an annalist in the *Figaro* is to be believed, the existing executioner languishes for want of occupation, and is by no means grateful for M. Grévy's excessive humanitarianism in keeping him in enforced idleness. He used to be in the enjoyment of a salary of £320 a year, but in consideration of the office being almost a sinecure it has recently been reduced to £240. M. Diebler naturally is not content, and longs for more heads to operate on, for which he is entitled to an extra fee of £8 and travelling expenses.