the appeal decisions during thirteen years. His open letter to the Attorney-General on the subject of Judicial Reforms, 5 L. N. 273–287, occupied a month of vacation leisure. Mr. Justice Torrance also produced a great number of opinions within the last few years, some of which have still to be published. One of the latest that he delivered personally was in *Ross* v. *Hannan*, Dec. 14, the judgment being rendered almost immediately after the argument. Other opinions were read by his colleagues while he lay upon what proved to be his death-bed.

An appreciative writer in the *Quebec Chronicle* (J. M. L.), referring to the elevation of Mr. Justice Baby to the presidential chair of the Numismatic Society, says this event "seems to have infused new life into this society, already in existence for several years past. Mr. Chauveau's mantle, on retiring, could not have fallen on more worthy shoulders. Judge Baby's tastes are those of an antiquarian. He has, after years of toil, succeeded in gathering together a large number of rare works, prints, etc., on Canadian history. His collection of private letters, bearing on the early times of the colony, and especially those relating to the sieges of 1759 and 1775 and on the war of 1812, is both extensive and very curious to examine. It also comprises the autographs, likenesses and crests of many of the leading personages of these periods. In this the learned judge seems to have taken a leaf from the book of his predecessor, Sir L. H. Lafontaine, a well-read jurist as well as an antiquarian. Judge Baby has met with congenial spirits in two antiquarians and historians, Abbé Verreau and Raphael Bellemare, Jacques Vizer's friend, both of Montreal."

---

*SUPERIOR COURT, MONTREAL.**

Opposition to seizure—Costs—C. C. P. 586.

An action having been dismissed with costs, one of the defendants, in order to recover his costs, caused an execution to issue, and seized the moveables in plaintiff's domicile. The plaintiff's wife filed an opposition, claiming the effects as her property, and she asked costs against the defendant seizing.

HELD:—That the opposant was not entitled to ask costs against the creditor seizing (here the defendant), but only (C. C. P. 586) against the judgment debtor (here the plaintiff); and a mere notice in writing of her claim to the effects, transmitted to the seizing party, did not entitle her to costs against him.—*Broum* v. *Ross et al.*, and *Howard et vir*, opposants, Torrance, J., Nov. 30, 1886.

Unpaid vendor—Incompatible conclusions—Demurrer.

An unpaid vendor is not entitled at the same time to pray for the resiliation of the sale, and also that the goods be sold and that he be paid by privilege from the proceeds; but he is entitled to pray for the resiliation of the sale and the return of the goods without offering the buyer the option of paying the price.

So, where the plaintiff prayed for the resiliation of the sale and also that he be paid the price out of the proceeds of the goods, it was held that such conclusions were incompatible, and the defendant, under C. C. P. 120, might, by dilatory exception, have called upon him to declare his option; but a demurrer to the action generally, with conclusions for its dismissal, was held bad because the demand for the resiliation of the sale was well founded.—*Wylie* v. *Taylor*, Loranger, J., Nov. 28, 1884.

Requête civile—Novation—Judicial counsel.

HELD:—1. That novation does not take place where the second obligation is only to be the result of the non-fulfilment of the first, and its conversion, *à titre d'indemnité*, into the payment of a sum of money.

2. Notice of the appointment of a judicial adviser to a party in the cause should be given to the opposite party. — *Forgues* v. *Brosseau*, In Review, Torrance, Gill, Mathieu, JJ., Nov. 30, 1886.

Company—Action for calls—Allotment of stock—Formalities for making calls on stock.

HELD:—1. The fact that the capital stock of a company has not been fully subscribed,

* To appear in Montreal Law Reports, 2 S.C.