

Austin Cuvillier, junior, by his first marriage with Sarah Hay, and the conclusions prayed for an account to be rendered by the respondents, together with the Marquise of Bassano, of their administration personally or by delegation, of the property of the said Marguerite Françoise Cuvillier from the date of the closing of the community of property between the said Austin Cuvillier and Sarah Hay (24th November, 1871), up to the bringing of the action (1st December, 1876), and that in default of rendering such account, the defendants be condemned to pay the plaintiff the sum of \$185,659.38. Moreover, that certain immoveable property described in the declaration be divided or sold, so that plaintiff may obtain his share as representing, as to one-half, Sarah Hay's right of succession and dower in the said immoveable property, together with the *fruits et revenus* from the opening of the said succession and dower.

The rights of succession and dower referred to are the rights of the children of Sarah Hay in the property left by their grandfather and grandmother, the late Honorable Austin Cuvillier, and his wife, Dame Marie Claire Perrault, which vested in them as representing their mother's share in the community of property with her husband, and as her heirs generally. The children of Sarah Hay made no claim as heirs of their father, but on the contrary alleged that they had renounced his succession.

The respondents demurred to that part of the action which relates to all the immoveable property in question, with the exception of two lots.

In the first place they said that as to the immoveable property claimed by way of dower, the children of Sarah Hay had no dower therein, because the property in question was inherited by Austin Cuvillier, junior, from his father and mother, after the death of Sarah Hay.

In the second place, that as to certain immoveable property alleged to have been sold and accounted for by the respondents, and for which the said Marguerite Françoise Cuvillier was alleged to have given a notarial discharge on the 12th June, 1865, the appellant could have no claim therein so long as the said discharge, which had never been and was not now attacked, stands good.

In the third place, that as to the immoveable property which was alleged to have belonged to various commercial partnerships, in which the

late Honorable Austin Cuvillier had a share, the appellant could have no rights therein so long as the affairs of the said commercial firms had not been liquidated.

In the fourth place, that as to certain real estate alleged to have belonged to Austin Cuvillier, junior, and to have been sold by the Sheriff, at the suit of the respondents, and to have been bought in by themselves, the appellant could have no right therein so long as the said *décret* had not been attacked and set aside.

The respondents' demurrers, which moreover claimed that Mr. Delisle was not bound to render a *compte de tutelle* to the plaintiff, simply because he might have been the agent of Austin Cuvillier, junior, were maintained by the Court below, and this judgment was unanimously affirmed in appeal.

*Doutre & Doure* for Appellant.

*E. Barnard, Q. C.*, for Respondents.

NOTE.—The only remaining judgment of the June term was that confirming the judgment in *Amen et al., & Fuller*, but it does not require any notice here.

#### GENERAL NOTES.

ANCIENT LEGAL COSTUME. — In the thirty-second year of Henry VIII. an order was made in the Inner Temple, that the gentlemen of that company should reform themselves in their cut or disguised apparel, and not wear *long beards*; and that the Treasurer of that Court should confer with the other treasurers of court, for a uniform reformation, and to know the Justices' opinion therein. In Lincoln's Inn, by an order made the twenty-third of Henry VIII. none were to wear cut or pansied hosen or breeches, or pansied doublet, on pain of expulsion; and all persons were to be put out of Commons during the time they wore *beards*. In the reign of Philip and Mary the grievance of long beards was not removed. An order was made in the Inner Temple, that no fellow of that house should wear his beard above *three weeks' growth*, upon pain of forfeiting twenty shillings. In the Middle Temple an order was made in the fourth and fifth of Philip and Mary, that none of that society should wear great breeches in their hose, after the Dutch, Spanish, or Almain (German) fashion, or lawn upon their caps, or cut doublets, on pain of forfeiting three shillings and four pence; and for the second offence the offender to be expelled. In the first and second of Philip and Mary, a gentleman of Lincoln's Inn was fined five groats for going in his study-gown into Cheapside on a Sunday, about ten o'clock in the forenoon.—*Brayley's Londiniana*.