

COUR SUPÉRIEURE. Montréal, 29 Novembre 1863.

Coram :—TORRANCE, J.

Goodchild vs Shaw.

ENCANTEUR.—RESPONSABILITÉ ASSURANCE DE L'OBJET OFFERT EN VENTE.

This was an action for the value of an organ, placed by the plaintiff in the custody of defendant as auctioneer, to be sold for the benefit of plaintiff. The understanding was that 10 per cent. should be allowed to the auctioneer on the sale for his trouble. The organ had been destroyed by fire in the premises of defendant. Before the fire, it was understood that the organ should be insured against fire by the defendant. It was proved that the latter claimed \$200 from the insurance company, but as he recovered but a small proportion of his loss, he received only \$40. It was also proved that the defendant was authorized to sell the organ for \$150. The Court, however, thought the defendant was liable for the \$200, less 10 per cent. commission, for the organ might have fetched \$200 by auction. Judgment for \$180.

COUR SUPÉRIEURE, (En Révision). Montréal, 22 Novembre, 1873.

Coram :—MONDELET, J., JOHNSON, J., TORRANCE, J

No, 999.

Alexander Fisher McPherson *et al.* vs. Georges Isidore Barthe.

Jugé :— Qu'une inscription pour révision, inscrivante pour révision *du jugement rendu en cette cause, par la Cour Supérieure*, lorsque le jugement a été rendu par la Cour de Circuit sera déchargée sur motion