

EXECUTION — *Vide* PRACTICE.

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EXECUTOR:—Are only responsible for what they actually receive or ought to receive, and are not jointly and severally responsible for each other's administration. (Miller, appellant, and Coleman *et al.*, respondents, Q. B.) 190

" —Where a person, besides being an executor, acts as if he were the tutor (though not really so) of a minor to whom the estate he administers belongs, he cannot charge interest on monies expended by him in excess of his receipts. (Do.)..... 196

" —An executor under the circumstances above mentioned has, however, a right to claim interest on all interest-bearing debts paid by him in the interest of the minor to prevent the sacrifice of her real estate. (Do.)... 196

" —An executor and trustee under a will made before the passing of the Civil Code may be removed from office for any of the causes stated in Art. 917 of the said Code, and a sequestrator appointed to administer the estate of the testator until another executor and trustee be appointed. (Howard *et al.* vs. Yule, S. C.) 220

" —The Court will not remove an executor from office, under Art. 917 of the Civil Code, for an isolated act of maladministration, when it is proved that the executor acted in good faith, and that no loss is likely to accrue to the estate from what he did, and that the administration of the executor was in all other respects most satisfactory. (Devine *et al.* vs. Griffin, S. C.)..... 240

GUARANTEE POLICY:—Where the employee guaranteed loses a large sum of money belonging to his employer, through negligence, the guarantor, who has undertaken to make good any loss which by law the employee would be bound to make good, is liable to pay the amount thus lost. (The Citizens Ins. Co., appellant, and The Grand Trunk R. W. Co., respondent, Q. B.).. 163

GUARDIAN:—In a rule against a, for *contrainte par corps*, it is not necessary to give the guardian the option of paying the value of the goods. (*Exp.* McCaffrey, for *Habeas Corpus*, Q. B.)..... 188

" —A, is not discharged by the lapse of a year before proceedings are taken against him to make him produce the goods. (Do.)..... 188

" —A, may be condemned to produce the goods placed in his charge or to pay the value and costs. It is not necessary that the judgment should give him the alternative of paying the value, as the privilege is reserved to him by law of being discharged on establishing and paying the value of the goods. He cannot be condemned to pay more than is due by the defendant to the seizing creditor. (McCaffrey, appellant, and Claxton *et al.*, respondents, Q. B.)..... 191

HABEAS CORPUS:—The fact that a commitment orders the imprisonment of a guardian until payment of an amount apparently in excess of what is due, cannot be urged under a *Habeas Corpus*, a *Habeas Corpus* not applying to persons imprisoned under a process in a civil matter, unless there be made an absence or excess of jurisdiction. (*Ex parte* McCaffrey, for *Habeas Corpus*, Q. B.) 188

" —Where a prisoner has been committed by a magistrate for trial, the Court of Queen's Bench sitting in appeal will not order a writ of *certiorari* to issue, to bring up the preliminary examination, in order to see whether the committing magistrate had sufficient evidence before him to commit, even where it is alleged that the magistrate had no jurisdiction, the depositions before him showing that the offence was committed in a foreign country. (*Exp.* Narbonne, Q. B.)..... 330

IMMOVABLE by destination:—An organ placed in a church to be used in the public worship therein is an immovable by destination. (Binks, vs. The Rector, &c., of Trinity Church, and The Trust and Loan Co. of Canada, opponent, S. C.)..... 258