

The inscription was by the plaintiff contesting, on a judgment of the Superior Court, Montreal, Papineau, J., Nov. 30, 1883.

JOHNSON, J. The effects seized in this case are claimed by the opposant as her own, under a sale of them to her by one Hearle. The contestation is not so much directed against the opposant's title as against that of Hearle, who acquired these things at a sheriff's sale. The judgment held the opposant's title good; and there is nothing to show the contrary. Hearle may have acquired them to protect the defendant; but there is nothing illegal in that, taken by itself, and considered apart from any fraud or simulation in the circumstances of the sale. Hearle is not a party in the case, and there is no sufficient proof of any fraud, even if he were here and able to defend himself. As to the sale from Hearle to the opposant there is nothing shown against it: and the judgment which maintained the opposition and dismissed the contestation must be confirmed. The case of *Senécal & Crawford*, 2 Dec. Cour d'Appel, p. 121, is in point.

Judgment confirmed.

Cooke & Co. for opposant.

Ethier & Co. for plaintiff contesting.

COUR SUPERIEURE.

[En Chambre.]

MONTRÉAL, 16 février 1884.

Coram MATHIEU, J.

Ex parte D^{me} G. DELISLE, requérante.

Femme mariée—Tutelle.

JUGE: *Que dans certains cas spéciaux la femme même du vivant de son mari peut être nommée tutrice à son enfant mineur.*

La requérante avait obtenu contre son mari un jugement en séparation de corps. Ce dernier qui était tuteur aux biens à son enfant mineur, renonça par acte authentique à la tutelle de son enfant pour des raisons qu'il déclara ne pas vouloir faire connaître. Le conseil de famille ayant alors été assemblé, à la demande de la requérante, nomma la mère tutrice.

Le protonotaire refusa de confirmer cette nomination, sur le principe que la femme

nonobstant la séparation de corps était encore sous puissance de mari et ne pouvait pas être nommée tutrice.

La requérante maintint devant le juge qu'une femme peut même du vivant de son mari être nommée tutrice à son enfant mineur lorsque son mari ne peut pas, ne veut pas, ou est indigne d'exercer la puissance paternelle. Autorités de la requérante: 1 Aubry & Rau, p. 366, § 87 et page 502; 6 Aubry & Rau, p. 77, § 550; 2 Demolombe, No. 317; 6 Demolombe, Nos. 449, 450; Auzanet, arrêts du Parlement de Paris, Liv. I, ch. 55, page 72.

L'HONORABLE JUGE homologua sans considérants l'avis du conseil de famille, et nomma la requérante tutrice aux biens de son enfant mineur.

Barnard, Beauchamp & Barnard, avocats de la requérante.

(J.J.B.)

GENERAL NOTES.

Some interesting statistics are furnished in the half-yearly report of Judge Ardagh respecting the County Courts of the Eastern Judicial District of Manitoba. It comprises seven divisions, in which eighteen sittings were held. During the half year ending December 21st 2,757 suits were entered, the amount claimed being \$139,211. The amount collected to date was \$30,880, a very large portion of the balance having been settled out of court. The number of judgment summons issued was 440, of which 21 orders for commitment were entered, only one of which was put in force, and that for a few hours only. The number of miles travelled by the judge in order to hold these courts is over 5,000 in the year; 3,800 by rail and 1,200 by driving.

THE LATE MR. J. W. MERRY.—We have been requested to publish the following resolutions:—At a meeting of the St. Francis Bar, held on the 5th inst., at Sherbrooke, were present, Wm. White, Esq., Q.C., Batonnier, His Honor Mr. Justice Brooks, Judge Rioux, Messrs. J. L. Terrill, L. C. Belanger, L. F. Panneton, H. B. Brown, J. A. Camirand, A. S. Hurd, E. C. Hale, S. B. Sanborn, C. W. Cate, E. Chartier, H. D. Lawrence, F. Campbell, G. De Lottinville, H. R. Fraser, D. C. Robertson, and H. W. Mulvena. It was moved by H. W. Brown, Esq., and seconded by Jos. L. Terrill, Esq., 1. That the members of the Bar, section of St. Francis, have learned with deep regret of the death of their friend and confrère, John W. Merry, whose sterling qualities of mind and heart had gained for him a foremost place in their esteem and regard, and they desire to tender to his bereaved widow and family their respectful sympathy in the great loss they have sustained. 2. That the members of this section do attend his funeral in a body on Tuesday next, and wear mourning for one month.