practical effect of it and its true meaning was that the defendant was condemned to hand over to his brother, the plaintiff, his share of the estate, and that as his appeal stopped the execution of the judgment appealed from, the defendant was bound to give security for the value of the plaintiff's share in the emphyteutic lease and immoveable property, or to file a declaration that he did not object to the execution of the judgment.

MATHIEU, J., held, reversing the judgment of the Prothonotary of the District of Montreal, that according to the Code of Procedure, the defendant in such case is obliged to give security not only for costs, but also that he will effectually prosecute the appeal, and that he will satisfy the condemnation, in case the judgment appealed from shall be confirmed, unless he declares in writing that he does not object to the judgment being executed against him. The judge having no discretion to exempt the defendant from submitting himself to the law if he wishes to go to appeal.

The defendant was ordered to give security accordingly. As to the amount of justification the judge would leave that to the Prothonotary to decide in conformity with the judgment now rendered. The parties might come back before him if they were not satisfied.

Barnard & Beauchamp, for plaintiff, respondent.

Ritchie & Ritchie, for defendant, appellant.

RECENT QUEBEC DECISIONS.

Deposit in Bank—Claim by third party—Absence of notice to depositary.—Where monies have been deposited from time to time in a Bank to the credit of A., of whom the Bank was creditor to an amount far exceeding the balance of such deposits, and on the understanding that such deposits were to enure to the benefit of the creditors of A. generally, B. and others cannot legally sue the Bank to recover a proportion of such deposits, on the ground that a portion of said monies really belonged to B. and others, in the absence of any notice to, or knowledge by, the Bank of the existence of any such right on the part of B. and others, whilst such deposits were being made.—*La Banque Jacques Cartier & Giraldi et vir*, 26 L. C. J. 110.

Saisie-Revendication.—Dans une saisie-revendication, il n'est pas obligatoire de donner au défendeur l'alternative de remettre au demandeur les effets revendiqués ou de lui en payer la valeur. Le but de la saisie-revendication est de recouvrer la possession de la chose même et le prix ou la valeur de cette chose.—*Watso* v. *Labelle*, 26 L. C. J. 120.

Accountant, Reference to.—In an action to recover back monies alleged to have been paid to respondent as his share of certain supposed profits which appellant alleges afterwards proved to be losses, the Court may, without consent of the parties, refer the matters in dispute to an accountant, when the Court is of opinion that the evidence adduced is contradictory and unsatisfactory.—*Canada Paper Co.* v. *Bannatyne*, 26 L.C.J. 124.

Registration, Improvident—Damages.—A person who improvidently registers a claim against an immoveable property, without having a legal right so to do, is liable to the registered owner of such property for all damages caused by such improvident registration; and the owner of the property has a right of action to cause the entry in the books of the registrar to be cancelled.—*Daigneault* v. *Demers*, 26 L. C. J. 126.

GENERAL NOTES.

An Irish judge tried two most notorious fellows for highway robbery. To the astonishment of the Court, as well as of the prisoners themselves, they were found not guilty. As they were being removed from the bar, the judge, addressing the jailor, said: "Mr. Murphy, you will greatly ease my mind if you would keep those respectable gentlemen until seven or half-past seven o'clock, for I mean to set out for Dublin at five, and I should like to have at least two hours' start of them."—*Criminal Law Magazine.*

Speaking of flogging—some Irish members of Parliament have introduced a bill providing for the punishment of the pillory for woman-beaters, with the labelling of the offender "wife-beater" or "woman-beater." The bill also provides for whipping for a second or third offence. The measure is to be confined to England, as of course no gallant son of Erin ever beats his wife—at least, without getting as good as he sends. The *Law Times* strongly deprecates the pillory, and the inefficacy of all punishments whose principal effect is ignominy and disgrace, but praises flogging, observing, "similar measures have been adopted with most beneficial results in more than one of the United States." Virginia has just abolished flogging, and we know of no State except Delaware that now practices it.—*Albany Law Journal.*