

to prove, not a payment made by himself, but the misconduct of his servant; and he further wants to estimate the damages which he suffered by such misconduct. This is altogether beyond the privilege given to masters by the article; and the defendant could not be allowed to prove such misconduct and damages by his oath even if the plaintiff were a domestic.

Application rejected.

T. G. O. Grondin, for plaintiff.

D. R. Barry, for defendant.

CIRCUIT COURT.

CHAPRAU, (Co. of Pontiac), June 4, 1887.

Before WÜRTELE, J.

LANGAN v. MADORE.

*Witness—Right to use his own language.*

**Held:**—*That the parties in pleading or testifying, and witnesses in giving their evidence, have the right to use either the English or the French language.*

The plaintiff, who does not understand the French language, called the defendant as a witness. The first question was put to him in English, but he answered in French. The plaintiff's attorney requested him to reply in English, but he answered that, although he understood English, he was not sufficiently skilled in it to convey his meaning properly in that language. The plaintiff's attorney then asked the court to order the defendant to answer in English, giving as a reason that his client wished the evidence to be given in the language which he understood.

**PER CURIAM.** Our constitution makes the use of the English and French languages optional in our courts. Section 133 of "the British North America Act," provides in express terms that "either of those languages may be used by any person, or in any pleading or process, . . . . in or from all or any of the Courts of Quebec." The defendant is a French Canadian, and the language in which he is skilled is the French language. He wishes to use this language before the court and claims his privilege to do so. He has the constitutional right to

use that one of the two authorized languages which is his, notwithstanding that his adversary does not understand it. If the plaintiff had appeared in person, I would appoint an interpreter under article 10 of the C. C. P., to assist him; but this is unnecessary as he is represented by an advocate who knows both languages. I allow the defendant to give his evidence in French, as he claims the right to use it.

Application refused.

T. G. O. Grondin, for the plaintiff.

C. P. Roney, for the defendant.

COUR DE CASSATION (CH. DES REQUÊTES).

11 mai 1887.

Présidence de M. BÉDARRIDES.

PROC. GÉN. DE RENNES v. ME X....

*Lettre missive—Secret des lettres—Discipline—Avocat—Client—Magistrat offensé—Communication délictueuse.*

*En aucune matière, il ne peut être porté atteinte au principe de l'inviolabilité du secret des lettres au moyen de procédés délictueux, ce principe de haute moralité intéressant l'ordre public.*

*Spécialement une lettre confidentielle, adressée par un avocat à l'un de ses clients habituels, ne peut servir de fondement à une poursuite disciplinaire contre cet avocat, à raison d'expressions ou imputations outrageantes qu'elle contiendrait pour un magistrat, lorsqu'il est au mépris de la volonté de son auteur et même du destinataire ou de ses héritiers, qu'elle a été par un véritable abus de confiance communiquée à ce magistrat.*

M. le procureur général près la Cour d'appel de Rennes s'est pourvu en cassation contre l'arrêt de cette Cour, en date de 7 mars 1887, rapporté 10 Leg. News, 133.

Ce pourvoi a été rejeté par la Chambre des requêtes aux termes d'un arrêt ainsi conçu :

LA COUR,

Attendu que l'arrêt attaqué constate en fait que la lettre confidentiellement écrite par Me X.... en réponse à la dépêche d'un de ses clients habituels, a été détournée au mépris de la volonté de son auteur et même des héritiers du destinataire, pour être commu-