

offered within the five years stipulated by the legacy and because it had not been consigned with the plea.

The defendant here contends that the condition attached to the legacy is only comminatory and resolatory, and a judgment of the Court is necessary to deprive him of it. The Court of Review holds that the judgment was correct.

Judgment confirmed.

Robidoux & Fortin, for plaintiff.

Maclaren, Lect & Smith, for defendant.

SUPERIOR COURT.

MONTREAL, March 5, 1884.

Before TORRANCE, J.

CHARBONNEAU, *filz es qual.* v. CHARBONNEAU, *père.*

Procedure—Action by tutor—C. C. P. 19.

It is not necessary, in an action by a tutor, that the names and first names of the children for whom the tutor is acting should be set forth in the writ and declaration.

This was the merits of an exception à la forme.

The plaintiff sued in his quality of tutor to the minor children issue of his marriage with the late Dame Matilde Desjardins, &c.

The defendant filed an exception à la forme, on the ground that the writ and declaration did not contain the names and first names of the children for whom the tutor was acting.

PER CURIAM. The description of plaintiff is a sufficient compliance with C. C. P. 19 which says that tutors plead in their own name in their qualities.

Exception dismissed.

Cornellier for excipient.

W. Prevost for plaintiff.

COUR DE CIRCUIT.

MONTREAL, 14 mars 1884.

Coram JOHNSON, J.

DUROCHER V. SARAULT ET LECLAIRE.

Frais du gardien sur exécution—Art. 562, C.P.C.

Le demandeur a fait exécuter son jugement contre la défenderesse. Cette dernière était absente de sa maison et n'a pu offrir un gardien, et l'huissier O. Daoust a nommé O.

Leclaire, gardien d'office. Ce dernier enleva les effets et les transporta à son domicile. La défenderesse présenta une requête pour la nomination d'un gardien de son choix, laquelle fut accordée, le premier gardien ayant dûment reçu avis de la présentation de cette requête. Jugement fut signifié au dit Leclaire et à l'huissier Daoust. Ces derniers refusèrent d'obtempérer au jugement, alléguant qu'au préalable les frais de garde devaient être payés. La défenderesse fit émaner une règle contre le gardien et l'huissier.

M. David, pour les mis en cause, prétend que le nommé Leclaire a droit de garder les effets saisis comme garantie de ses frais de garde.

M. Lareau, pour la requérante, répond que le jugement ordonnant la nomination du nouveau gardien n'impose pas cette charge à la défenderesse; et, en second lieu, le gardien n'a d'autre recours que contre la personne qui l'a employée, le demandeur. Cette saisie est contestée par une opposition afin d'annuler qui paraît bien fondée.

Vide Arts. 562 et 568, C.P.C.; Art. 1825 C.C. Pothier, Dépôt Nos. 92 et 96; *Legal News*, vol. 3, p. 86.

La Cour déclare que les prétentions du gardien et de l'huissier sont sans fondement, et la règle est déclarée absolue.

Lareau & Allard, avocats de la requérante pour règle.

David & Laurendeau, avocats des mis en cause.

GENERAL NOTES.

Mr. Buckle has been appointed the new editor of the *Times*. Mr. Buckle is but a young editor, being only about thirty years of age. There was, however, an admirable precedent. Mr. Delane on succeeding to the post had not reached his twenty-fifth year. A return of the age of editors would be extremely interesting reading. Take the great dailies. Mr. Mudford, of the *Standard*; Mr. Hill, of the *Daily News*; Mr. Edwin Arnold, of the *Telegraph*, are we believe in the "fifties," as are Mr. Hutten, of the *Spectator*, and Mr. Frederick Greenwood, of the *St. James' Gazette*, and Mr. Burnand, of *Punch*. On the other hand, Mr. Pollock, of the *Saturday Review*, is on the right side of thirty-five.

The cost of promoting bills in the British Parliament is enormous. From returns moved for last year our English exchanges learn that the railway companies (although forty have sent very defective returns or none at all) have spent about four millions. The Midland alone have spent £215,000, the Great Western £211,000, and the underground railways between them (though the expenses of the Outer Circle system are not included) £184,000. What the North-Western has spent cannot be ascertained, as they put down £615,000 for general, legal and parliamentary expenses. The gas companies have spent £356,000, the water companies £383,000; even canal companies £41,000, while tramway companies (thirty-nine of whom have sent no return) have got through £374,000, of which by far the largest proportion has been spent in the last three years. In fact, five millions have been laid out by these companies alone in ten years upon the unproductive expenditure of parliamentary litigation.