THE VISIT OF CHIEF JUSTICE COLERIDGE TO AMERICA.

To the Editor of THE LEGAL NEWS.

DEAR SIR,—It is to be hoped that the bar of this Province will not lose the opportunity of exhibiting their respect for the office and person of the Lord Chief Justice of England who is shortly to visit this continent. A meeting of the members of this the Metropolitan District, should at once be convened and the matter considered. As His Lordship will arrive within a few days, I would request our new and learned *Batonnier* to act in the premises without delay.

Yours, obediently,

M.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

QUEBEC, May 4, 1883.

DORION, C. J., RAMSAY, J., TESSIER, J., CROSS, J., BABY, J.

CONROY & ROSS.

Procedure—Interlocutory judgment—Appeal.

The action issued from the Court in Quebec, and was served on the defendant at his domicile in the district of Aylmer.

The defendant filed an exception *déclinatoire*, setting up that the *whole* cause of action did not arise at Quebec. The original contract, which was for advances to get out timber, was made at Quebec. It being found advantageous to sell the timber in England, the parties subsequently agreed that the plaintiff should send the timber there to be sold, the plaintiff paying the expenses at Quebec and in England.

The Court below dismissed the exception, and the defendant moved for leave to appeal.

The COURT rejected the motion.

Motion rejected.

VALLIÈRES & DRAPEAU.

Procedure—Interlocutory judgment—Pleading—Interest in suit.

The action was met by a plea to the effect that the plaintiff's *cédant* was insane at the time he made the *transport;* and, secondly, that the plaintiff Drapeau had no interest in the action and was only a *prête-nom.*

The plaintiff filed an answer-in-law, which was maintained, and the defendant moved for leave to appeal. This application was supported, with regard to the second point, by reference to C.C.P. 19.

The COURT was of opinion that the judgment of the Court below was correct; that the debtor had nothing to do with the insanity of Mr. Saxe, who was not interdicted. The payment by the debtor to the *cessionnaire* of Saxe who was not interdicted, without fraud, was valid. Secondly, the defendant had nothing to do with the sincerity of the interest of Drapeau. (*See Robillard v. La Société de Construction*, 2 Legal News, p. 181.)

Motion for leave to appeal refused.

L'AINÉ & HAMEL.

Procedure — Interlocutory judgment — Appeal — Reference to Experts.

Action *en bornage.* The Court ordered an *arpenteur* to visit the place to establish whether, as it was pretended by defendant, a public highway intervened between his land and that of plaintiff, and if not, to make a report of the state of the premises to the Court. Leave to appeal from this judgment is sought by the defendant: 1st. Because the Court had no right to refer the case to an *arpenteur*, for that was to delegate its authority. 2nd. That if the *arpenteur* was to be considered as an *expert*, three and not one should have been named. (323, C. C. P.)

The COURT was against the party moving. The Court below had a perfect right to make such an order to obtain information, and although generally the rule is to name three *experts*, this does not apply, and has never been held to apply to the nomination of an *arpenteur* on a question of *bornage.* (942, C. C. P.)

Motion rejected.

LESSARD & GENET.

Procedure—Appeal—Service.

Motion to reject appeal. It was urged that the appeal was taken after the delay granted by the Code, and that the Court had no jurisdiction to hear the appeal. The judgment was rendered on the 28th February, security was given on the 2nd April, and the petition was only served on the 7th April. It was also said