

COUR DE CIRCUIT.

MALBAIE, 26 janvier 1881.

Coram ROUTHIER, J.

LABRECQUE V. PERRAULT.

Tarif des médecins—Contrat tacite de ces derniers avec ceux qui ont coutume de les employer—Consultation et remèdes.

JUGÉ:—*Qu'un médecin qui a coutume de soigner une personne pour tel prix, ne peut pas, sans avis préalable, augmenter ses charges pour s'en tenir au tarif.*

Qu'on ne doit pas entendre par "consultation et remèdes," le fait qu'un médecin après avoir ausculté une personne pour connaître sa maladie, lui envoie ensuite les mêmes remèdes pour cette maladie qu'il a constatée.

J. A. Martin, procureur du demandeur.

J. S. Perrault, procureur du défendeur.

(C. A.)

COUR DE CIRCUIT.

MALBAIE (Saguenay), 27 janvier 1887.

Coram ROUTHIER, J.

BOIS V. GERVAIS.

Billet promissoire—Pénalité.

JUGÉ:—*Que le billet promissoire consenti au percepteur du revenu par un défendeur pour suivi pour vente de boisson sans licence qui confesse jugement, et ce pour le montant de la pénalité, est valable.*

A l'action basée sur tel billet, le défendeur plaide que ce billet était nul, ayant pour considération une pénalité; que l'amende ne devant pas retourner en entier au percepteur du revenu, le billet ne pouvait, dans tous les cas, lui être consenti que pour sa part.

Jugement tel que demandé et déclarant le billet valable—la Cour faisant remarquer que si le demandeur a agi illégalement, ce n'est point au défendeur à s'en plaindre, mais au trésorier de la province.

J. A. Martin, procureur du demandeur.

J. S. Perrault, procureur du défendeur.

(C. A.)

CHANCERY DIVISION.

LONDON, April 6, 1887.

Before STIRLING, J.

In re COOKE'S TRUSTS.

Domicile—Acquisition of New Domicile—Domicile of Choice—Abandonment of Domicile of Origin.

This was a petition for payment out of Court of certain funds which represented one moiety of the residuary estate bequeathed by the will of W. H. P. Cooke in favour of Charlotte S. Nicholson, the fund having been paid into Court under the provisions of the Trustee Relief Act. Charlotte S. Nicholson, the legatee, was the child of English parents, and was, by her domicile of origin, English. In the year 1839, being then an infant, she married in France a Frenchman named the Viscount d'Argevel, and by a notarial contract entered into in France previously to the marriage it was agreed that the property should be separate. There were three children of this marriage, two of whom were living. In 1845, the viscountess separated from her husband, taking her children with her, and went to live with her father in Jersey, and thenceforth ceased to reside in France. In the year 1846 the testator died. In May, 1849, a decree for separation, as regards the property of the viscountess, was made in the Royal Courts, Jersey. Some time in the year 1852 the viscountess observed in the papers an announcement of the death of her husband (who, however, did not in fact die until 1877), and on July 4, 1853, she went through the ceremony of marriage with the petitioner, and with him and her children went to New South Wales, where they resided until the death of the viscountess in the year 1879. In 1878 the viscountess made a will, by which she left all her property to the petitioner. Under this will the petitioner now claimed. The claim was opposed on two grounds. First, it was said that from the time of her marriage down to the time of her death her domicile continued to be French; and, secondly, that, whether or not that were so, at all events she had so dealt with her property by the notarial contract