better form than it had taken in the 99th section of the 37th Vic. That, I have no manner of doubt, is what they wanted to do; it is what I would readily help them to do if they had only helped themselves; but it is not one of my numerous functions to aid by conjecture the unexpressed ideas of Parliament for the purpose of helping them to do, under another name, what the constitution forbids them to do at all. I must apply rules to my work; and besides general and well-known rules of construction, there is a specific rule in our own provincial interpretation act that exactly applies to the present case. It is the 11th section: "When any provisions of law are repealed, and other provisions are substituted therefor, the provisions repealed remain in operation until the provisions substituted come into operation under the repealing law." It is plain then, I think, that up to the passing of the 37 Vic., the 75th section of the 14 and 15 Vic., was in force. That it ceased to be in force when the 241st section repealed it, and section 99 of the 37th Vic. was substituted for it. That at the time of this substitution, in 1874, there was no power in the provincial legislature to meddle with *interest* at all, and the by-law that was passed under it was waste paper. That the act of 1878, putting a new section 99 in the place of the old one, and calling the thing increase or penalty instead of interest, did not make it any better. That the Act of 1878, could not be held to restore or declare in force the 75th section of the 14 and 15 Vic. for two reasons: first, because it neither said it was in force, nor repealed the repealing law; and secondly, if they had intended to declare it still in force, there would have been superfluity and nonsense in enacting a new provision of the same kind. That it is perfectly obvious that what the Legislature has attempted to do, is to cure or to elude an illegality existing in the 99th section of the Act of 1874, and to do this by using the words increase, addition or penalty instead of the word interest; and that there is in reality, and in point of law, no difference between them, nor any greater power either possessed or given in 1878, than was possessed or given by the Legislature in 1874. I am therefore of opinion that the first by-law imposing interest (*eo nomine*) is bad—(and under it almost all this charge is made). I am also of opinion that the 2nd by-law is equally bad in imposing increase or penalty, and that the contestation must be maintained. It is unnecessary, of course, to go into the other points.

R. Roy, Q. C., for Claimants.

Lunn & Cramp, for Plaintiffs contesting.

RAINVILLE, J.

BRUNET v. SAUMURE et al.

Donation by Particular Title—Art. 780 C. C.

The action was brought against the defendants to recover a debt due by one of them, who had made a donation of all his property to T. Saumure, the other defendant.

The defendant, T. Saumure, pleaded that he was donee by particular title, and therefore could not be sued for the debts of the donor.

RAINVILLE, J., said the question raised in this case had frequently been decided. The point was this: when a person gives all his property, but designates it specially, without stating that it is a universal donation, does such donation render the donee responsible for the debts of the donor? His Honor referred to *McMartin* v. *Gareau*, 1st Jurist, 286, and to *Paquin* v. *Bradley*, 14 Jurist, 208, and other cases, and held that in the terms of 780 C.C., in order that a donation be considered universal, the donor must give all his goods as a universality, and that the donation of things specially designated constitutes only a special donation, though in effect the donor has given all that he possessed. Here the donation was a special donation, and the donee was not responsible for the debts of the donor. The action must, therefore, be dismissed as regards T. Saumure, the donee.

The following were the reasons of judgment:

"Considérant qu'aux termes de l'article 780 C.C., pour que la donation soit universelle, il faut que le donateur donne tous ses biens comme universalité, et que la donation de choses désignées particulièrement ne constitue qu'une donation particulière, quand même en fait le donateur aurait donné tous ses biens;

"Considérant que la donation en question en cette cause, savoir la donation par François Saumure, père, et son épouse en faveur du défendeur Théodule Saumure, alors mineur et représenté par son tuteur, passé à St. Martin, le 16 Février, 1877, ne constitue qu'une donation