

of Paris received on a footing of equality—had an aged client, a woman of quality, who, in the intoxication of success at the happy termination of a suit, conceived the idea of presenting a fee in a novel manner. She repaired first to a notary, by whom she caused the grant of an annuity of 4,000 francs a year to be prepared; then to a coachmaker's, where she ordered a handsome carriage; to a horse-dealer, of whom she purchased two superb horses; lastly, to a tailor, who, by a day named, was to make complete liveries for coachman, footman, and porter.

On the day chosen by the lady, M. Duvaudier was summoned to the Palais for another suit. At its termination, he was accosted by his servant, attired in livery, who informed him that Madame Duvaudier had given orders for the carriage to come for him. M. Duvaudier, a little surprised at the dress of his servant, decided, notwithstanding, to follow him, expecting to learn the key to this enigma from his wife. On reaching the carriage, his surprise increased at finding the coachman similarly arrayed. The footman, on opening the door, begged, in Madame Duvaudier's name, that he would look at a paper which he would find under the cushion. This was the deed for the annuity destined to maintain the equipage.

Toward the close of 1789, the principal tribunals were broken up, and the order of advocates was suppressed. New courts were established, and suitors were permitted to appear by deputy, so that the public gained nothing beyond the substitution of a set of ignorant adventurers for a body of men distinguished by learning and integrity. A small proportion of the ancient bar continued the practice of their profession under its new titles, and amongst the most conspicuous was M. Berryer.

A remarkable suit was instituted by the journeymen carriers against their masters for the amount of a certain percentage on their wages, retained during many years, as the masters alleged, to form a fund in case of sickness. The journeymen were represented by M. Berryer, who seems to have entertained no very exalted opinion of the justice of their claim. But at the time in question, it was a crime of the deepest dye to be a pro-

prietor or a capitalist. Equal rights required unequal judgments, and Le Roy-Sermaise, a judge of the genuine democratic school, decided almost without hesitation for the journeymen.

This worthy was once trying a cause between two peasants, regarding the property in a field. The claimant produced a deed which had nothing to do with the question. The defendant relied upon long possession exclusively. "How long?" inquired the judge. "Why, citizen president, from father to son, eighty or ninety years at least." "In that case, my friend, you ought to be satisfied: each in his turn; it is now your adversary's." He ordered the claimant to be put into possession without delay.—*The Green Bag*.

#### COUR SUPERIEURE.

MALBAIE, juillet 1890.

Coram GAGNÉ, J.

BOUCHARD v. BLACKBURN.

*Certiorari—Cautionnement pour la paix.*

JUGÉ:—*Que le plaignant sur poursuite pour cautionnement pour la paix, doit être présent à l'enquête, pour être transquestionné par l'accusé;*

*Que l'enquête faite en l'absence du plaignant donne lieu à certiorari, si l'accusé exige sa présence.*

PER CURIAM. — L'accusé sur demande de cautionnement pour la paix, n'a pas droit de contredire les faits articulés contre lui; mais il a le droit de transquestionner le plaignant et ceux qui déposent contre lui. Voir Lanctôt qui cite Woolrych. Carter, *Traité sur les conv. som.*, p. 189.

"He cannot be allowed to controvert the facts stated in the complaint, but he should be permitted, from the cross-examination of the complainant or otherwise, to establish that the complaint is preferred from malice only."

Le juge de paix doit faire comparaître le plaignant, si l'accusé l'exige, pour le transquestionner.

S'il n'en était pas ainsi, si l'accusé n'avait pas au moins le droit de transquestionner le plaignant, les citoyens les plus respectables ne seraient-ils pas à la merci du premier venu qui voudrait porter une plainte contre eux?