The Appellants inscribed the cause for final hearing on the exception, and the Judgment followed from which the present Appeal has been instituted.

That Judgment needs no long defence. It is warranted by the law, and the facts proved.

It is time that the Courts should mark with their disfavor false returns by their Officers; these are too common, and lead to enormous oppressions and injustices. In the present case the Bailiff had to pronounce his condemnation out of his own mouth. Instead of having left copy of process *with* a grown person of Respondent's family, he left it with nobody; he says he left it *on the floor of the porch*; outside of Respondent's house, nobody seeing him.

The Trust & Loan Company persists in defending such a service and return, and would use it. It has also to demonstrate, as its Reasons of Appeal seem to say it undertakes to, that the Judgment appealed from "is contrary to law, and against the evidence adduced and of record in the said cause."

The Respondent would add a few words on the subject of the evidence. As said before, it is conclusive; but, were it weak, we have a Rule of Practice, (XXXIII) under which the Appellants cannot hope to succeed in the face of their own inscription of the cause, for hearing on the exception, without answer to it. Under this rule, a party acting so, (as the Plaintiffs in the Court below did), is to be "held to confess the allegations contained in such exception."

Can anybody doubt that the allegations of the *Exception à la Forme* in this cause, if true, are sufficient to justify the Judgment rendered?

A. H. LUNN,
Atty. for Respondents.

MONTREAL, April 29, 1859.