actually brought a groundless action. The proof is direct and positive by two witnesses—Sexton and Doolan. Now, this appears, I must say, to me, a very serious business. The plaintiff is proved to be a most respectable person. The defendant himself, when called as witness, admits it. It was attempted to show that the damages ought to be small, on the ground that she was not a person of susceptible feelings. The proof showed that she kept a boarding house and saloon frequented by captains of Upper Canada steamers; and she is, happily for her, a brave, outspoken woman, fitted to fight the battle of life in her bereaved position. But it would be a grievous wrong to her to infer that the evidence points to any impropriety of life of a nature to blunt her feelings. I understand the witnesses to speak in a sense exactly the reverse of this. Well, the defendant meets Sexton, and afterwards Doolan, and says this thing, I must say not only with brutal plainness, but adds: "Some say it is Creelman's; some say it is mine." Now, it struck me that though this was very coarse, it might not have been intended as malignant, and I asked that question of the witnesses, and they said there was nothing jocular about it at all; and it is simply impossible to tell this woman, under the circumstances, when she comes here for justice, that she is to submit to such an outrage—whether originated or only repeated makes no sort of difference. Therefore, she is, in the very nature of things, entitled to damages, and substantial damages, for the defendant has not contented himself with simply denying the thing, nor with admitting and apologizing for it; but he has wantonly added what he has been utterly unable to prove, viz., that her object was extortion.

Judgment for plaintiff $200, with costs of action as instituted.

Lefebvre & Co. for plaintiff.

Doutre & Co. for defendant.

LATOUR v. CAMPBELL.

Costs—Distraction—Art. 482 C.C.P.

JOHNSON, J. Judgment was rendered in this case in April, 1875, condemning John Parker to pay $20 damages, for which he and his co-defendant Campbell had confessed judgment; but as to Campbell himself there had been a discontinuance filed by the plaintiff, and the judment granted *acte* of it merely, without dismissing the action as to him, and gave the costs of contestation subsequent to the confession against the plaintiff. Campbell afterwards issued execution against the plaintiff for his costs, and was met by a judgment which the plaintiff held against him for a larger amount. Thereupon Campbell, or rather his attorneys, inscribe the case now for final judgment upon the discontinuance, and ask for *distraction* of costs in their favor. The court holds that the defendant at present inscribing and moving for *distraction* is wrong in both of those proceedings. By article 482 C.P. the attorney has not an incontestable right to *distraction* of his costs, unless he moves for it on or before the day on which judgment is given. After that if he wants it, the opposite party must have notice. Here the notice has been given, and the plaintiff produces the judgment against Campbell. This is surely a good answer to the pretension that he ought to be made to pay anything due by him to Campbell of less amount. Then as to the inscription. There is no necessity for inscribing at all. By Art. 450 the discontinuance of which *acte* was granted in the judgment was a discontinuance in the express terms of the law, that is, on payment of costs, and *acte* was given of that, and it was executory, and in fact was executed. After acquiescing in that judgment in this manner, it is clearly too late to come in and change the right of the plaintiff under his judgment against Campbell. Both the motion and the inscription are therefore dismissed with costs.

JONES v. SHEA et al.

Advances for Speculative Purposes.

JOHNSON, J. The plaintiff's action is to recover $111.46. He was employed by the defendants to negotiate divers purchases of pork in the Chicago market through a firm there. The defendants plead that all their dealings with the plaintiff were gambling transactions on margin—no property passing—speculations not on merchandize, but on the price of merchandize; at least, that is what I gather from the plea, and the argument made in support of it; but it must be confessed that the language of the plea itself is rather singular. It says that "the only transactions which