

dossier pour laisser le conseil du comté plaider en leur lieu et place. Ce sont eux qui ont provoqué l'appel et c'est avec eux qu'il doit être continué.

L'appelant se plaint que l'intimé aurait attaqué le bref par voie de motion au lieu de le faire par exception à la forme. Je dois avouer que la procédure suivie en pareil cas, a toujours été à ma connaissance la contestation régulière; mais l'art. 1071 autorise la procédure adoptée dans la présente instance.

La motion de l'intimé est donc régulière. J'ai pensé qu'il serait peut-être possible de suppléer à l'insuffisance de la procédure de l'appelante en ordonnant que les véritables intimés soient mis en cause, et appuyant sur l'article 1071 qui semblent reconnaître que l'appel en semblable matière, n'est en réalité qu'un nouveau procès, puisqu'il est loisible aux parties de faire entendre de nouveaux témoins. Mais d'un autre côté la révision de la division du conseil devait être amendée dans des délais fixes et déterminés par la loi. Ces délais sont maintenant expirés, et l'on peut se demander si la cour a le pouvoir de les faire revivre pour permettre à la partie en défaut de refaire sa position. Je crois donc qu'il est plus sage de laisser la loi suivre son cours.

La motion de l'intimé doit être accordée et le bref d'appel cassé et annulé tel que demandé avec dépens.

Préfontaine & Lafontaine, avocats de l'appelante.

Prévost & Bastien, avocats de l'intimé.

BELT v. LAWES.

The following summary of the Belt case is given in the *Spectator* :—

The old comment on English law, that it is a luxury to live under it, and a very costly one, is strongly illustrated by the ultimate result of the Belt case. The history of that case is, after all, both short and simple. Mr. C. B. Lawes, writer and sculptor, described Mr. R. Belt, sculptor, in print in words which signified that he was an artistic impostor, who obtained large orders for works the merit of which was due to other men. The charge would probably have been forgotten by the public in a week, but Mr. Belt had, of course, his right of action, and apprehending, as he says, that he might be professionally ruined by quiescence, he used it. He brought his action for libel, and after a huge trial, which moved the whole social world, the jury gave him a verdict and £5,000 damages, the verdict carrying the unusually

heavy costs. Outsiders would, of course, imagine that this was victory for Mr. Belt, and congratulate him on his courage, but that gentleman and his solicitors knew that there was another side to the matter. So heavy had the expenses been that Mr. Belt had been compelled, as he says, in a letter sent to the journals, to accept assistance from his friends, and to incur liabilities to his solicitors apparently for money actually out of pocket, to an extent at this stage of the proceedings which we can only guess, but which ultimately, Mr. Belt says, reached nearly to the sum of £5,000, due to his advisers alone. When, therefore, during the hearing of an application for a new trial, the Lord Chief Justice Coleridge and two of his colleagues suggested that if Mr. Lawes paid £500 and costs, proceedings should terminate, Mr. Belt accepted that compromise. He would have vindicated himself, as far as obtaining a verdict went, and he would have only voluntary costs to pay; and like a wise man, he forced himself to be content with a little, lest he should ultimately have nothing. Mr. Lawes, however, probably under an idea that public opinion was with him, and would ultimately make itself felt, rejected the compromise, and brought a regular appeal, which ended in a unanimous decision by three judges that the verdict must be upheld, and that Mr. Lawes must pay £5,000 damages, and £6,000 costs. It was considered vain to appeal to the Lords against a judgment so unanimous, and Mr. Lawes offered a compromise. He would pay £5,000 down in forty-eight hours, if that sum were accepted in full of all demands; and if that were rejected, he would go into the Bankruptcy Court. Mr. Belt's solicitors very naturally advised the acceptance of this offer; but Mr. Belt refused, saying that the sum promised, though it would repay his solicitors, would not repay his friends who had advanced money, and that he found himself bound to repay them first of all. Mr. Lawes consequently filed his petition in bankruptcy, and it appears from Mr. Belt's published letter to his solicitors, that he foresees a necessity for the same step. "If," he says, "my creditors elect to force me into bankruptcy, it will be only one more knot in the lash of persecution to which I have been subjected." In short, judging from Mr. Lawes' action and from Mr. Belt's words, which he himself sends to the newspapers, the "Belt case" has ended in the pecuniary ruin of plaintiff and defendant and the exasperation of the lawyers, who do not this time find the oyster as satisfying as usual.