tion, will arrive at different conclusions, even in the case of mature persons, where a family likeness will be fully developed if there is any. And when applied to the immature child, its worthlessness as evidence to establish the fact of parentage is greatly enhanced, and is of too vague, uncertain and fanciful a nature to be submitted to the consideration of a jury. The learned author of Beck's Medical Jurisprudence says: 'It has been suggested that the resemblance of a child to the supposed father might aid in deciding doubtful cases. This, however, is a very uncertain source of reliance. We daily observe the most striking differences in physical traits between parent and child, while individuals born in different parts of the globe have been mistaken for each other. And even as to malformations, although some remarkable resemblances in this respect have been noticed between father and child, yet we should act unwisely in relying too much on them. There is, however, a circumstance connected with this, which when present, should certainly defeat the presumption that the husband or paramour is the father of the child, and that is when the appearance of the child evidently proves that its father must have been of a different race from the husband or paramour, as when a mulatto is born of a white woman whose husband is also white, or of a black woman whose husband is also a negro.' In a case where the question of race is concerned, the child may be exhibited for the purpose of showing that it is or is not of the race of the alleged father. *Warlick* v. *White*, 76 N. C. 175. In a case like the one at the bar, we think no exhibition should be made."

*SUPERIOR COURT—MONTREAL.**

Municipal taxes—Special assessment — Exemption—Educational Institution.

HELD:—That the exemption from municipal taxes enjoyed by educational institutions extends also to taxes imposed for special purposes such as the construction of a drain. —*City of Montreal* v. *Ecclesiastics of Seminary of St. Sulpice*, Torrance, J., June 30, 1885.

* To appear in full in Montreal Law Reports, 1 S.C.

Parol evidence—Tender of rent—C.C. 1233.

HELD:—That a tender of rent, not being a commercial matter, cannot be proved by parol evidence.—*Macfarlane* v. *McIntosh*, Torrance, J., June 2, 1885.

Coût des exhibits—Conclusion aux dépens.

JUGÉ:—1o. Que le coût des pièces n'entre en taxe contre la partie condamné aux dépens, que lorsqu'elles étaient nécessaires à la cause, et, en outre, que lorsque la partie qui les a produites n'était pas présumé les avoir en sa possession.

2o. Que pour en obtenir la taxation, il n'est pas nécessaire d'en avoir demandé le coût spécialement, la conclusion générale aux dépens étant suffisante.—*Mainville* v. *Legault*, Jetté, J., 3 juillet 1885.

Plaidoirie—Litispendance—Compensation—Réponse en droit.

HELD:—That the irregularity of pleading compensation and litispendence in the same plea, should not be attacked by an answer-in-law.—*Picard* v. *Bérard*, Torrance, J., 22 juin 1885.

Société en commandite—Responsabilité des associés—Mise sociale — Créanciers — Endossement—Paiement—Administration—Gérant.

JUGÉ:—1o. Qu'un associé commanditaire peut être poursuivi par les créanciers de la société en recouvrement de leur créance contre la société, jusqu'à concurrence de la partie de sa mise sociale non encore payée au temps de l'action.

2o. Que l'endossement des billets d'une société en commandite par un des associés ne peut être considéré comme un paiement de sa mise sociale, et ne peut que donner à cet associé, dans le cas où il serait appelé à payer ces billets, une créance ordinaire en sa faveur contre la société.

3o. Qu'un associé commanditaire qui s'immisce dans l'administration de la société et qui y fait des actes importantes de gestion encourre la responsabilité d'un associé en nom collectif.

4o. Que le gérant d'une société en commandite a l'administration entière de la société, et est le juge des besoins de l'établissement de la société; il peut donc, dans le cas