

# THE LEGAL NEWS.

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## CURRENT TOPICS AND CASES.

The judgment of the Court of Appeal in *Déchêne & Dussault*, delivered at Quebec, December 3, (6 Q.B. 1) is of considerable interest, further explaining, as it does, the view taken by the majority of the Court, of Art. 478 of the Code of Procedure. The article referred to provides that the losing party must pay all costs, unless for special reasons the court thinks proper to reduce them or compensate them, or orders otherwise. The rule in England is to the same effect. It is well established that the Court of Appeal will reform the adjudication as to costs when it appears that such adjudication violates a principle or positive rule of law. It is clear, therefore, that the "special reasons" must be reasons which are sound. In *Déchêne & Dussault*, the plaintiff, Dussault, having sued Déchéne on a promissory note, the latter pleaded the nullity of the note under art. 425 R. S. Q., (contract referring to an election), and the action was dismissed. The first court refused to give costs against the plaintiff, but the majority of the Court of Appeal held that the nullity of the note was not a good reason for refusing defendant costs, and this part of the judgment was reversed, Mr. Justice Blanchet dissenting. "L'exercice de la discrétion," observed the Chief Justice, "est subordonnée à l'existence d'une cause spéciale juste. Ce sont ces causes spéciales