

so well. During the thirty years he has occupied a seat on the Bench he has been distinguished by a real knowledge of the law, a wide acquaintance with the world, a striking independence of judgment, and a great dislike of mere technicalities and shams." The same journal, noticing the statement (since confirmed) that Lord Justice Lindley was to be Master of the Rolls, observed:—"His claim to the position lies in the distinguished service he has rendered in the Court of Appeal, where he has occupied a seat for sixteen years. Since the retirement of Lord Justice Cotton in 1890, Lord Justice Lindley has presided over the second section of the Court, and the manner in which he has discharged this duty is ample evidence of his fitness for the higher post. Few occupants of the Bench have brought to the performance of judicial duties so large a combination of admirable qualities. With him a deep knowledge of legal principles is allied to a firm and ready grasp of facts."

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SUPREME COURT OF CANADA.

OTTAWA, 12 Oct. 1897.

Quebec.]

DUROCHER v. <sup>1</sup>DUROCHER.

*Judgment—Petition to set aside—Requête civile—Jurisdiction.*

Judgment on the appeal of *Durocher v. Durocher* was pronounced by the Supreme Court of Canada on May 1st, 1897, dismissing the appeal with costs. In the following October term the appellant presented a *requête civile*, asking that the judgment be set aside and the proceedings opened up, on the ground that since the judgment a deed had been discovered which had been fraudulently concealed by the respondent and the judgment dismissing the appeal was therefore obtained by fraud.

*Held*, that the Court had no jurisdiction to grant the application; that it has power to annul errors in its own judgments, but not to interfere in a case of this kind.

Petition refused with costs,

*Belcourt*, for the petition.

*Geoffrion, Q.C.*, *contra*.