

majority of nations. By the French law foreigners were obliged to give security for costs when they instituted an action. *L'Ancien Denizart*, Vo. *Cautio judicatum solvi*. The chief exception was where the foreigner had immoveable property in France. Pothier, *Personnes*, Tit. II, p. 577. The rule of the C. C. 29 (Quebec) required security from non-residents in Lower Canada, and that rule was taken from the Provincial Statute, 41 Geo. III, c. 7, s. 2. The reason of the rule was the same in the modern French law. 2 Carré & Chauveau, p. 155-172; C. C. Nap. 16; C. C. P. Nap. 166, 167; 1 Demolombe p. 308, n. 253; Fisher's Digest, Vo. Costs, pp. 2028-2030; *Kilkenny and Great Southern & Western Railway Co. v. Fielden*, 6 Exchequer Cases, 81. The foreign plaintiffs here argued that having a business agency in Montreal, and having made the usual deposit of money with the Government at Ottawa, they were not bound to give security for costs. His Honor remarked on this that the plaintiffs were non resident notwithstanding that they have an agency in Montreal, and they had nothing but personal property, if any, in Montreal. Further, as to the deposit at Ottawa, it was a security for the policy holders, and this was not an action by a policy holder, or against one, but an action for libel. And even if the deposit were a security available to all, it was not a security in the Province of Quebec. The plaintiffs were non-resident in the terms of C.C. 29, and it was therefore the duty of the Court to maintain the dilatory exception.

Exception maintained.

Greenshields for plaintiffs.

S. Bethune, Q. C., for defendants.

COURT OF REVIEW.

Montreal, Feb. 28, 1878.

TORRANCE, J., DUNKIN, J., RAINVILLE, J.

[From S. C., St. Francis.

In re *DUSSAULT* et al., insolvents, and *DESEVE*, claimant, and *PREVOST* et al., contestants.

Trader—Marriage Contract—Registration.

The claimant, who was the wife of one of the insolvents, claimed from the estate of her husband, \$1120 under their marriage contract, dated 15th February, 1868, and registered 23rd June, 1868. The claim was contested on the ground that the husband was a trader, and that

the marriage contract was not registered until long after the day fixed by law. The Court at Sherbrooke maintained the contestation, under the Insolvent Act of 1864, sec. 12, par. 2, which requires the marriage contract of every trader to be registered, in the registration division in which he has his place of business, within thirty days from the execution thereof. The claimant's husband was styled a trader in the contract.

In review the judgment was confirmed, the Court holding that the non-registration of the marriage contract of the trader within thirty days from the execution thereof, was a bar to the wife's claim against his estate.

Judgment confirmed.

Hall, White, & Panneton for claimant.

Davidson & Cushing for contestants.

COMMUNICATIONS.

THE SUPREME COURT.

To the Editor of THE LEGAL NEWS:

SIR,—May I ask the reason why the Supreme Court is so excessively slow in rendering judgments? It cannot be pretended that the judges are overwhelmed with work—they have comparatively very little to do. What then can be the reason for their being so excessively deliberate? Surely they do not need six months to make up their minds as to the merits of the cases argued before them. They have every facility the Privy Council possesses, yet what a vast difference in the dispatch of business before the two Courts. In the one, judgment almost invariably immediately after the arguments—in the other, six months' incubation on the record. The injustice worked to the parties by such delay is very great, and is without excuse.

If this state of things is allowed to continue, farewell to the idea of diverting appeals from the Privy Council. Despite of the heavy expense, all, or very nearly all, the important cases in the Province of Quebec are taken to England. The members of the profession distrust the ability of judges who, as a rule, keep cases six months under advisement.

The Supreme Court at present is looked upon with great distrust; if the miserable system of