

house over night. A private lodging-room was assigned her by the defendant and his wife. On one occasion at midnight the defendant stealthily came into the room where the plaintiff was sleeping, sat down upon her bed, leaned over her person, and made repeated solicitations to her for sexual intimacy, which she repelled. *Held*, that the plaintiff's right to her private sleeping-room, during the night, was exclusive; and that trespass, *quare clausum*, will lie against the defendant. Sitting on her bed, leaning over her person, etc., under the circumstances, was an assault. The court said: "We think that her right to her private sleeping-room during the night, under the circumstances of this case, was as ample and exclusive against the inmates of the house as if the entry had been made into her private dwelling-house through the outer door. Her right of quiet occupancy and privacy was absolute and exclusive; and the entry by stealth in the night into such apartments without license or justifiable cause was a trespass; and, if with felonious intent, was a crime. *State v. Clark*, 42 Vt. 630. The approach to her person in the manner her testimony tends to prove—sitting on the bed and bed-clothes that covered her person, and leaning over her with the proffer of criminal sexual intercourse, so near as to excite the fear and apprehension of force in the execution of his felonious purpose—was an assault. The whole act and motive was unlawful, sinister and wicked. The act of stealing stealthily into the bed-room of a virtuous woman at midnight to seek gratification of criminal lust is sufficiently dishonorable and base in purpose and in act; but especially so when the intended victim is a poor blind girl, under the protecting care of the very man who would violate every injunction of hospitality that he might dishonor and ruin at his own hearthstone this unfortunate child who had the right to appeal to him to defend her from such an outrage. *Alexander v. Blodgett*, 44 Vt. 476." In the last case cited the court held that indecent exposure and advance in the sight of the woman constituted an assault.—*Alb. L. J.*

RECENT DECISIONS AT QUEBEC.

Payment, Indication of.—Jugé, que l'indication de paiement à quelqu'un qui n'est pas créancier du stipulant, et dans l'intérêt de ce dernier, ne l'empêche pas de retirer la somme due

et d'en donner quittance valable, quoique l'indication ait été antérieurement acceptée par un *negotiorum gestor* pour l'indiqué.—*Lajoie v. Desaulniers*, 7 Q. L. R. 272.

Affidavit — Capias ad respondendum — Saisie-arrêt.—An affidavit for a *capias ad respondendum*, under C. C. P. 798, in which, as to the alleged secreting, the deponent swears: "Qu'il est informé d'une manière croyable, a toute raison de croire, et croit vraiment en sa conscience, etc.," and gives the names of his informants, held good.

Reference made to *Brooke v. Dallimore*, and *Griffith v. McGovern*, in which affidavits for *saisie-arrêt* before judgment, under C. C. P. 934, in the same form as to the secreting, were held good by the Court of Appeals.—*Croteau v. Demers*, 7 Q. L. R. 277.

Practice—Writ of Execution.—Where the sale of real estate, under a writ *de terris*, has not taken place, in consequence of the sickness, on the day of sale, of the officer charged with the execution of the writ, the plaintiff is not entitled to a *venditioni exponas*, under C. C. P. 664, so as to have the property sold after two advertisements.—*Gosselin v. Naulin*, 7 Q. L. R. 283.

GENERAL NOTES.

The Rev. Mr. Hinman, for many years a missionary among the Dakota Indians, has sued Bishop Hare for libel consisting in a pamphlet charging Mr. Hinman as being regarded in the Indian country as a man of abandoned character, and that the house-mother of one of the bishop's boarding schools reported to him that Mr. Hinman, while visiting her school, had scandalized her elder girls by beckoning to them in a suspicious way from his window in the twilight, and that he had abashed a pretty half-breed young woman, her assistant, by saying to her—"I love you; won't you walk with me to-night; I want to talk with you." Mothers, it was charged, had refused to send their girls to the Santee boarding school, on the ground that they were tampered with by the missionary. Another lady had informed the bishop that "to her great alarm he seized her firmly around the waist, and though she struggled to get from him, kissed her several times, and refused to let her go." Probably the missionary—to adapt the expression of Rufus Choate about the amorous hay-makers—was only "seeking to mitigate the austerities" of proselyting. On a recent motion for a commission to examine witnesses, Judge Porter said: "The plaintiff had the legal right to bring his action in this State, but his reasons for doing so are not very manifest. Whatever they may be, I am quite sure from what was disclosed upon the motion, the trial will not be likely to increase the amount of contributions to convert the Indians to Christianity, or to increase the respect of the Indians for some of its professors. Perhaps it was thought the further away from the Indians the trial should be had, the better it would be for their faith."