

## SUPERIOR COURT.

MONTREAL, April 30, 1883.

Before LORANGER, J.

PINSONNEAULT v. DEGASPÉ, and E. Contra.  
*Incidental demand, Service of.*

The incidental demand in this case was made as follows: Immediately at the conclusion of the plea the defendant opened the incidental demand: "And the said defendant hereby constituting herself incidental plaintiff, complains of plaintiffs, now incidental defendants, and declares, &c." This demand was served on the plaintiff's attorneys and filed with the pleas.

The plaintiffs as incidental defendants filed an exception to the form on the following grounds:—

1. Parceque la dite demande incidente n'a jamais été légalement signifiée tel que requis par la loi.

2. Parceque la signification faite par l'huissier de la demande incidente sur Messrs. Judah & Branchaud est illégale, nulle, et de nul effet.

3. Parceque la signification de la dite demande incidente n'a jamais été faite aux défendeurs incidentes tel que requis par la loi.

The Court considered the incidental demand properly made and served, and accordingly dismissed the exception with costs.

*Judah & Branchaud* for plaintiffs and incidental defendants.

*Monk, Monk & Raynes* for defendants and incidental plaintiffs.

## RECENT DECISIONS, P. Q.

*Procedure—Report of Distribution—Hypothec.*

—It is not competent to hypothecary creditors, who have not been collocated in a report of distribution duly homologated, of the monies arising from a sheriff's sale of the real property hypothecated in their favor, to sue to recover from a party alleged to have been illegally collocated in such report, on the ground that according to the Registrar's certificate attached to the sheriff's return, such party ought not to have been so collocated, and that plaintiffs should have been collocated for the amount of their demand preferentially to him.—*McDonell v. Buntin*, 27 L. C. J. 73.

*Hypothec.*—Where a hypothecary creditor cedes his right of preference on the monies

arising from the sale of a portion of the property hypothecated, in favor of a hypothecary creditor, who is only third in rank, such creditor having first rank cannot afterwards claim to rank for his full claim (without deduction of the monies received under said sale), to the prejudice of a hypothecary creditor, who is second in rank, in the distribution of monies arising from the sale of the balance of said property.—*Perodeau & Quintal*, 27 L. C. J. 74.

*Master and Servant.*—When a commercial traveller, engaged by the year, quits the service of his employer without legal cause and against the will of his employer, and without previous legal notice, he forfeits all claim to wages accrued to the time of his quitting said service.—*Nixon v. Darling*, 27 L. C. J. 78.

## GENERAL NOTES.

The Affirmation Bill was defeated in the House of Commons, May 4, the Government being beaten on the division.

There may be seen on St. Paul street, Baltimore, the sign of Charles J. Bonaparte, Attorney-at-law, a grand nephew of the great Napoleon. He is an active member of the profession and is considered an able and eloquent advocate.—*Chicago Legal News*.

The following is an extract from a report of a wife-beating case in one of the London police Courts:—John Smith, witness for prosecution, is under examination. "Now, what do you know of the matter, Mr. Smith?" "I know everything. I seed Brown beat his wife." "How did he beat her?" inquired the magistrate. "How did he beat her?" exclaimed the witness with a look of scorn, "how would you beat your wife?" The magistrate desired the witness to answer the question. "Well," said the witness at length, "Brown uses his boots, as I never do. I only uses my fists. I have often told him those here boots would get him into trouble!"

BAR OF MONTREAL.—The following are the office-bearers elected for 1883-4:—Bâtonnier, C. A. Geoffrion; Syndic, J. E. Robidoux; Treasurer, M. M. Tait, Q.C.; Council: S. Bethune, Q.C., L. R. Church, Q.C., C. C. de Lorimier, Q.C., F. L. Béique, R. Lafamme, Q.C., A. Lacoste, Q.C., W. W. Robertson, A. H. Lunn; Secretary, A. E. Poirier.

St. FRANCIS.—The office-bearers elected for the current year are as follows:—Bâtonnier, Wm. White; Syndic, J. A. Camrand; Treasurer, L. E. Panneton; Secretary, H. W. Mulvena; Council, J. W. Merry, S. B. Sanborn, H. C. Cabana.

QUEBEC.—The office-bearers are as follows:—Bâtonnier, J. G. Bossé, Q.C.; Syndic, C. B. Langlois; Treasurer, D. J. Montambault; Secretary, R. J. Bradley; Council, G. Irvine; F. Langelier, J. Malouin, Andrews, Morrissette, Dunbar, Jules Larue, Jean Blanchet.