

*Procédure—Exception à la forme—Désignation du demandeur—  
Art. 49 C. P. C.*

*Jugé*:—Qu'un demandeur qui se désigne comme "gentilhomme" au bref de sommation, se donne une qualité suffisante au désir de la loi.—*Stevens v. Higgins*, Loranger, J., C. S., Montréal, 8 février 1893.

*Imbécilité—Démence—Exception à la forme—C. P. C. 116—  
C. C. 327, 987.*

*Jugé*:—Une exception à la forme à une action prise par une personne internée dans un asile d'aliénés, mais non-interdite, ne doit pas être renvoyée sur réponse en droit, mais doit être considérée comme une mise en demeure de la demanderesse de se faire assister d'un curateur.—*Mercier v. Mercier*, C. S., Québec, Routhier, J., 5 mars 1892.

*Attachment by garnishment—C. C. P. 555, 614.*

*Held*:—The writ of *saisie-arrêt* constitutes a new instance, and ought to be definite and complete in itself when issued.

Article 614, C. C. P., which provides that the writ must mention the amount of the judgment for the satisfaction of which it issues, is to be construed as meaning the amount remaining unsatisfied on such judgment.

Article 555 applies to the writ of *feri facias*, and not to that of *saisie-arrêt*, between which writs there is an essential difference.—*Vezina v. Tousignant, & Paris*, T. S., S. C., Quebec, Routhier, Caron, Andrews, JJ., Feb. 28, 1893.

*Obligation à terme—Action before expiry of term, for alleged diminution of security—C. C. 1092—C. N. 1188.*

*Held*:—The provisions of article 1092, C. C., which deprive the debtor of the benefit of delay in certain cases, are to be strictly construed, and a creditor seeking to enforce payment of a debt before maturity must formulate clearly and distinctly in his declaration the reasons upon which he bases his demand.

As long as a debtor is not insolvent he has an absolute right to administer his estate and dispose of his assets, provided he does so prudently and without fraud, and article 1092 has no application to such administration; the security of which that article.