required him to locate himself for a time as a local agent, at a weekly salary of $10. He had resided in New York, whence he had removed to Montreal. And it appeared that he had said that if he did not succeed in Brockville, he would move back to the States. His wife had been in the States, in order to get security there for him on behalf of his employer, but had been unsuccessful. He had bought the furniture in Montreal with money advanced by Egger, some $500. At the time he left in May, he said to Egger that he would try to get bonds for the Brockville office, and if he could not get them, he would try to remain there without bonds, and if he couid not remain without bonds, he would go to the States. These facts are proved,and there was no doubt but that McCrae had been unfairly dealt with. These facts prove that McCrae had grounds for believing that Miller might at any time remove into the States, as he had, so far as he was concerned, fraudulently removed from Montreal, without settling with him—secretly taking away his furniture. Is the Court justified in saying that the defendant Miller has not disproved the allegations of the affidavit? The Court holds that the affidavit has not been disproved, and dismisses the petition.

Archibald & McCormick for plaintiff.

Church, Chapleau, Hall & Atwater for defendant.

SUPERIOR COURT.

MONTREAL, October 1, 1881.

Before TORRANCE, J.

CAMPBELL v. MCGRAIL et al., and MCGRAIL, petitioner for revocation of judgment.

Requête civile—Grounds for revocation of judgment.

This case was before the Court on the motion of plaintiff to reject from the record a *requête civile*.

The action was to recover from defendants as co-partners a sum of $308. It was begun in December, 1880. The defendants appeared by attorney but did not plead, and were foreclosed from pleading in February, after which plaintiff inscribed the case for evidence *ex parte* on the first March. The defendants were summoned to answer interrogatories on the 7th March, and a default was entered against them for not appearing to answer. The case was inscribed for hearing on the merits on the 8th March for the 14th March. Plaintiff obtained judgment for $308 on the 16th March. The petition now in question was filed on the 12th July, and though the judge in Chambers ordered service of petition to be made upon plaintiff or his attorney, the service was only made at the Prothonotary's office. Thereupon the judge ordered a stay of execution. The service and notice was not regular, and the suspension order was in fact made without notice. The chief grievance of defendants by the petition was that they were not allowed to answer interrogatories though they alleged that they offered to do so, and charged artifice against plaintiff and his attorney.

PER CURIAM. The chief grievance of defendant is that he was not allowed to answer the interrogatories on the 7th March. Assuming that the default against him was irregularly entered on that day, of which, we have only his affidavit, he was represented in the case by attorney, and his attorney was duly notified of the hearing on the 14th March, a week after the default complained of, and no step was taken during this week to take off the default. I do not think the case is one in which the judgment should be interfered with. The judgment could not be set aside on such evidence as defendant offers. The plaintiff's motion for the last reason is granted.

J. L. Morris, for plaintiff.

F. Quinn, for defendant.

CIRCUIT COURT.

MONTREAL, Sept. 30, 1881.

Before JOHNSON, J.

HALL v. HARRISON, and STUART, T.S., and HARRISON, opposant and petitioner by *requête civile*.

Opposition—C. C. P. 510.

A person whose interests are affected by a judgment in a cause, to which such person was not made legally a party, may come in by tierce opposition with a view to be maintained in his rights.

JOHNSON, J. There is a good deal of confusion in this record; but I must get at the true state of it, and do substantial justice if I can, without violating any of the laws of procedure in the Circuit Court. There was first an opposition, and afterwards a *Requête civile*, the judgment having been given by default; and it was contended under the opposition, first, that there had been no 'assignation.' The return of the bailiff shows