

2. But the contrary would be held if the merchant were acting for a home principal.—*Ib.*

3. An agent doing an act that injures a third party is personally liable to the person injured, though he only carried out the orders of his principal, if such orders were illegal.—*Holton & Aikins*, 3 Q. L. R. 289.

See *Election Law*.

*Appeal*.—1. There is no appeal to the Court of Queen's Bench from a judgment rendered by the Superior Court in proceedings concerning municipal matters, and falling under the dispositions of Chapter 10 of the Code of Procedure.—*Danyou & Marquis*, 3 Q. L. R. 335.

2. The amount demanded determines the right of appeal, and not the amount of the judgment appealed from.—*Boudreau & Sulte*, 3 Q. L. R. 336; *G. T. R. Co. & Godbout*, *Ib.* 346.

3. There is no appeal to the Circuit Court from a decision of a County Council sitting in appeal on a valuation roll.—*Meunier et al. & Corporation of County of Levis*, 3 Q. L. R. 345.

4. There is an appeal to the Queen's Bench from a judgment homologating an uncontested report of distribution.—*Shortis & Normand*, 3 Q. L. R. 382.

5. The proceeding by opposition, granted to the creditor under 761 C. P., does not deprive him of his appeal.—*Ib.*

*Attorney*.—See *Costs*.

*Bet*.—No action lies for the recovery of a bet made on a batteau race, this not coming within the exception mentioned in Art. 1927 C.C.—*Wagner v. L'Hostie*, 3 Q. L. R. 373.

*Capias*.—See *Affidavit*.

*Certiorari*.—A writ of *Certiorari* may issue after the six months from conviction, provided the application has been made within the six months.—*Ex parte Fisel*, 3 Q. L. R. 102.

*Clerical Intimidation*.—See *Election Law*.

*Collision*.—1. A steam tug proceeding down the St. Lawrence met two barques, and in passing between them came into collision with one which ported her helm. *Held*, that the tug was in fault for not keeping out of the way, and the barque also for not keeping her course.—*The Rosa*, 3 Q. L. R. 21.

2. Admissions of a master of a ship respecting a collision are evidence against the owners, although made after the collision; but the party affected by them may give counter evidence.—*Ib.*

3. Where two ships are each to blame for a collision in Canadian waters, an Act of the Parliament of Canada, which precludes recovery of damage by either, *held* operative, although the Admiralty rule which divides the loss prevails in England and has been recently applied in a case of collision on Canadian waters, on an appeal to the Privy Council, but without the Act being brought under special notice there.—*The Langshaw*, 3 Q. L. R. 143.

4. In a case of collision, the fault being mutual, the Admiralty rule will apply, as between the owners of cargo and the delinquent ships, dividing the loss; each ship is answerable for a moiety.—*Ib.*

5. On an appeal to the Privy Council, where their Lordships name assessors, an opinion on a nautical point given by Canadian assessors may be overruled.—*Ib.*

*Common Carrier*.—There is an implied engagement on the part of public carriers of passengers for hire towards those carried that they shall not be exposed to undue or unreasonable danger in embarking on or landing from the vessels of such carriers. And therefore a Steamboat Company, being a public carrier, using a wharf for the purpose of embarking and landing passengers, is bound to take all possible precautions for the prevention of accidents by the crowding of the public on the wharf, and any dangerous portion of the wharf should be sufficiently lighted at night to ensure the protection and safety of passengers.—*Borlase v. St. L. S. N. Co.*, 3 Q. L. R. 329.

*Contrainte par corps*.—See *Guardian*.

*Costs*.—An attorney *ad litem* cannot recover from his client costs in suits which are still pending and undecided.—*Molony v. Fitzgerald*, 3 Q. L. R. 381.

2. An attorney is not bound to refund the costs which he received by distraction granted him, though the judgment under which he obtained them was afterwards set aside by the Court of Appeal.—*Holton v. Andrews et al.*, 3 Q. L. R. 16.

3. Even if a party who has succeeded in first instance succeeds also in Review, the Court will not allow him costs in Review if it is of opinion that fraud has been proved against him, and that he succeeds only on technical grounds.—*Blouin v. Langelier*, 3 Q. L. R. 272.

*Costs, Security for*.—1. A seaman of a foreign