JUDICIAL BREVITY.

Chief Justice Waite, of the Supreme Court of the United States, sets a laudable example in the matter of short judgments. The *American Law Record* (of Cincinnati, O.) quotes two examples. In one case (infringement of a patent) the opinion of the Chief Justice occupies just six lines of type, and in the other case just five lines, which we will print as an illustration :—

" This judgment is affirmed. One partner cannot recover his share of a debt due to the partnership in an action at law, prosecuted in his own name alone, against the debtor. That is the only question presented by the bill of exceptions in this case. The refusal of the Court below to grant a new trial is not reviewable here. Affirmed."

There are judges not a hundred miles from this Province who would have filled ten to fifteen pages of printed matter in either of these cases. We have already expressed the opinion that the longest judgments are generally the most useless. Every day we see illustrations. The Privy Council disposes of the most complicated cases in a few pages ; division and county court judges struggle with the most simple case in a manner which suggests the remark that they are suffering from diarrhœa.... of words !

NOTES OF CASES.

SUPERIOR COURT.

MONTREAL, March 29, 1884.

Before TORRANCE, J.

MARTIN v. DANSEREAU.

Compensation—Universal legatee—Doctor's bill.

1. *An indebtedness arising out of alleged joint transactions between the defendant and a deceased person, cannot be pleaded in compensation to an action by the universal legatee of the latter for a prix de vente.*

2. *But (a) monies paid out by defendant for deceased ; (b) monies received by the deceased to the use of defendant, and (c) the amount of a bill for professional services rendered by the defendant as medical attendant to the deceased, may be pleaded in compensation to an action of the nature mentioned above.*

This was the merits of an answer in law to a plea of compensation. The action was to recover the sum of $398.89, amount of a price

of land. The plea set up an indebtedness by plaintiff as universal legatee of the alleged debtor of $1,022, consisting of : 1st. $111·25 arising out of certain joint transactions between defendant and deceased. 2nd. $206.17, paid out by defendant for deceased. 3rd. $519.60, money received by the deceased to the use of defendant. 4th. $185.25, amount of a bill for professional services rendered by defendant as a medical man to the deceased.

PER CURIAM. The defendant objects to these items in compensation as not liquid or easily liquidated, and as arising out of transactions in partnership between defendant and the deceased. As to the item of $111.25, the Court is with the defendant. There appear here to be items of account between the two which cannot be or can with difficulty be settled in this cause. As to the other items they are rightly offered in compensation. 28 Demolombe, No. 525, mentions this very case of a doctor's bill under C. C. (Nap.) 1291, and cites in support the Cour de Cassation ; *vide* T. Gen. vo. Compensation, 5. Médecin.

Apart from these four items, the plea begins by pleading a tender of $31.35 to the plaintiff, with claim of indebtedness by the deceased to defendant of $364.77, without particularizing the cause of indebtedness and without invoking this indebtedness in answer to the demand. The Court regards this alleged tender as an excrescence which should be struck out of the plea, being there irregularly and to no purpose. The judgment strikes it out, as also the item of $111.25, and allows to stand the other three items.

Archambault & St. Louis for plaintiff.

Prefontaine & Co. for defendant.

SUPERIOR COURT.

MONTREAL, March 14, 1884.

Before DOHERTY, J.

WEINROBE V. SOLOMON.

Saisie-arrêt before judgment—Petition to quash.

An affidavit alleging that the defendant " has secreted " his property, or " has absconded," without indicating any time when such secretion or absconding has taken place, is insufficient, and does not comply with article 834, C. C. P.

The affidavit in this case alleged a personal