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CURRENT TOPICS AND CASES.

The Court of Appeal, at Quebec (Nov. 13), in *Tapp & Turner*, had occasion to interpret Art. 1102 of the Code of Procedure, as to which there have been conflicting decisions in the lower courts. Art. 1102 says: "Judgments for sums not exceeding forty dollars can only be executed upon the movable property of the debtor, except," etc. The question did not arise upon the exceptions. The point was whether the words "judgments for sums not exceeding forty dollars" mean judgments where the debt and costs together do not exceed forty dollars. The literal construction of the words of the article might appear, at first sight, to exclude the question of costs, and so the courts at Montreal have held in several cases. See *Jencks Machine Co. v. Hood*, 21 R.L. 204, where several decisions are referred to. On the other hand, the Quebec courts appear to have held usually that the award of costs being part of the judgment, execution may issue against real property where the debt and costs exceed forty dollars. The Court of Appeal has sustained the latter view, Justices Blanchet and Wurtele dissenting. If the costs, which are awarded by distraction to the