

cases of contributory negligence, where each party is to some extent to be blame, is that each is to pay his own. The defendant seems to have acted very humanly and considerately, and sent one of his employés to see after the man while he was laid up, and offered a cheque for \$75 to avoid a lawsuit, which, however, was not accepted; but the law suit was preferred. It is a matter for Mr. Carsley's own moral judgment to determine whether, if he will persist in making his window so dazzling as to bewilder the passers by, and make them forget where they are walking, he ought not also to pay their doctor's bills when they suffer by yielding to the fascination that he offers.

COUR SUPÉRIEURE.—31 Mars, 1874.

Coram: JOHNSON, J.

DE GASPÉ *et al.* vs. CHARLES ASSELIN *et* DE GASPÉ *et al.* Opposant.

OPPOSITION:—CHANGEMENT D'ÉTAT APRÈS JUGEMENT.

Some of the plaintiffs have changed their condition by marriage and otherwise since the institution of the action, and they all join now in an opposition to the execution issued by the attorneys of the defendant, who gained the action in appeal, and seize for their costs incurred there, by right of distraction. The seizure was operated only on the effects of two of the plaintiffs—Mr. Raoul and Mr. Quiqueland de Beaujeu—who have in no way changed their condition; and the others have no right or interest, by reason of their new status, to contest the seizure in question. As regards the parties who have been seized, the only ground of opposition relied on by them is unfounded in fact. They said an appeal to H. M. in Her Privy Council had been granted, and the certificate of the clerk of the court shows the contrary. Therefore the contestation of this opposition must be maintained with costs.
