

manded. This being the case he was wrong in stopping the plaintiff's horse, and the judgment must therefore be confirmed. It was a pity he had not been better instructed in his duties.

DRUMMOND, MONDELET, and JOHNSON, JJ., concurred.

Cartier, Pominville & Bétournay, for the Appellant.

Loranger & Loranger, for the Respondent.

GRAVELLE (plaintiff in the Court below), Appellant; and BELANGER (defendant in the Court below), Respondent.

Insulting language in a Magistrate's Court—Damages.

The plaintiff instituted an action for £50 damages, under the following circumstances: On the 14th of November, 1863, he made a complaint of trespass before a Justice of the Peace against the defendant and one Leblanc. The defendants were tried separately, and after the trial of the present defendant, Belanger, had terminated, and while the plaintiff was giving his evidence under oath in the case of the other defendant, Belanger interrupted him several times, accusing him of perjury. The plaintiff appealed to the magistrate for protection, and the magistrate reprimanded the defendant, but this did not prevent him from repeating his insults. The plaintiff subsequently instituted the present action for \$200 damages, which was dismissed by the Circuit Court on the 30th November, 1865. The plaintiff now appealed.

DUVAL, C. J., after stating the circumstances, said the case was of some importance. If the Court were to confirm this judgment, the plaintiff would go out of Court branded as a perjurer. The evidence did not allow the Court to fix this bad character upon him. The judgment must be reversed. The Court would not award exorbitant damages, but the defendant must pay the costs. He would have stood in a better position, if, instead of repeating the insults, he had expressed his regret at the language he had used. As the costs would be considerable, the damages would be restricted to \$20.

MONDELET, J., read the judgment of the

Court, as follows:—Considérant que l'intimé, par ses injures proférées à l'égard de l'appellant et à son adresse, cour tenant, en présence de l'auditoire, et tandis que l'appellant rendait son témoignage en la dite Cour, s'est rendu coupable d'une conduite très-répréhensible et attentatoire au caractère et à la réputation de l'appellant, et rendant le dit intimé passible de dommages envers le dit appellant: considérant par conséquent qu'en déboutant l'action de l'appellant la Cour de première instance a erré, cette Cour infirme, &c. Judgment reversed, and defendant condemned to pay \$20 damages, with costs of highest appealable class Circuit Court, and all the costs of the appeal.

DRUMMOND, and JOHNSON, JJ., concurred.

Loranger & Loranger, for the Appellant.

Med. Marchand, for the Respondent.

VENANCE BRUNET *dit* L'ETANG *et al.* (defendants in the Court below), Appellants; and EUSTACHE BRUNET *dit* L'ETANG, *et al.* (plaintiffs in the Court below), Respondents.

Will before a Notary and two Witnesses—Dictation.

This was an appeal from a judgment rendered by *Badgley, J.*, in the Superior Court, on the 30th of June, 1865. (Reported 1st vol. LAW JOURNAL, pp. 60, 61.)

The present respondents (two of the children) brought an action *en pétition d'hérédité* claiming from the appellants (the other four children) two-sixths of the succession of the late Eustache Brunet *dit* L'Etang, their father. To this action the defendants pleaded that their father had made his will before Valois, notary, and two witnesses, on the 27th of April, 1863, by which he bequeathed 3,500 francs to each of his two daughters; that Delina (one of the plaintiffs) had already received 2,400 francs, leaving a balance due to her of 1,100 francs. That the testator had bequeathed to Venance (one of the defendants), the emplacement on which the testator resided, with an island at the end of the parish of Pointe Claire; and that he had willed the remainder of his property to his four sons, who had taken possession, and had no account to render to the plaintiffs. The