The Legal News.

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CODIFICATION.

In an address by the Hon. U. M. Rose, before the Tennessee State Bar Association, on "the future of our Laws," the following observations were made upon codification:—

Strangely enough, the general mercantile law, especially that of bills of exchange and promissory notes, based chiefly on the customs of merchants and traders, is the most symmetrical part of the law. Owing to this feature, and to its universality, it lends itself readily to the process of codification. As early as 1673 a Commercial Code was adopted in France, which being re-stated and amplified, resulted in the Code de Commerce of 1818. The German Exchange Code, the result of a conference set on foot in 1856, and which was completed and went into effect, March 1, 1862, and was modified in 1869, is international in its character, having been adopted by all the German States and by Austria, with the stipulation that each state may make laws of its own, provided they do not conflict with its provisions. A German work by Bochardt, published in 1871, gives, or purports to give, the statutes of various civilized countries on the subject of commercial law, both in their original tongues and in German translations, from which it appears that in more than forty countries this branch of law has been codified. Perhaps the last country that has codified the law on this subject is England. Mr. M. D. Chalmers, an English county judge, having made a careful digest of the law of bills of exchange, promissory notes and checks, it was through the influence of the present lord chancellor enacted by parliament in August, 1882. The statute contains 100 sections, and according to a statement of its author, it embodies the substance of 2,000 English decisions, and of the seventeen previous statutes, and reduces the law to about one five-thousandth part of its former bulk.

One of the earliest continental codes was that of Wurtemberg, which had its origin in 1492, but was not completed until 1610. From that time to the present it has undergone many revisions. In Bavaria a code was adopted in 1756. In Prussia, Frederick the Great, in the same year, directed his chancellor to prepare a plan for a code, but the latter having died, and the Seven Years' war coming on, nothing was done until 1780, when the king appointed a commission of jurists to carry out his purpose. The work was completed, and was put in force on the 5th day of February, 1794, in the reign of Frederick William II. This code forbids the citation of other law books and the publication of commentaries upon it. It also provides for a perpetual law commission. If the judges of the court of last resort cannot agree on the interpretation of any part of it, a majority of the judges decide, but the question is certified to the Law Commission, which promulgates a rule that shall apply in all future cases involving the same question. At present the declaratory rules thus enunciated far exceed in bulk the original code. The Civil Code of Saxony went into effect on the 1st of March, 1865. It consists of 2,620 articles.

In Austria, Maria Theresa appointed a commission to prepare a code. The work, mostly performed by the jurisconsult, Azzoni, appeared in 1767, in eight folio volumes. It was found to be so prolix, and to deal so much in abstract doctrines, as to be wholly impracticable. It was re-committed to Counsellor Hart, with express directions to leave out everything doctrinal, and to omit matters of mere detail. The first part of the revised code was published in 1786, in the reign of Joseph II, but it was not completed and put in force until the 1st day of January, 1812. It is not operative in Hungary, Croatia, Sclavonia or Transylvania. The first rude attempt at codification in Spain extends far back into the middle ages. Since that time there have been many revisions, the last being that of 1805. It is one of the most singular of all extant compilations. The first articles are devoted to rules of religious belief. Twenty-nine sections are devoted to the sacraments. Under the head of "Hus-

band and Wife," duties with regard to the confessional are prescribed. Under the division relating to penal laws distinctions are made between venial and mortal sins. A separate Commercial Code was adopted in 1829, and a Code of Procedure in 1856. A new Civil Code is now in preparation, some parts of which have passed into statutes. In Portugal the project of a code emanated from the University of Coimbra, in 1859, and under its auspices, a draft of a code was prepared by Viscount Scabara. This was by the government submitted for discussion and revision to a commission of the most eminent jurists in the country, which having completed its labors in July, 1867, the code was enacted, and went into force on the 22nd day of March, 1868. It consists of 2530 articles, and its arrangement is quite different from that of other continental codes.

In Sardinia a code was first promulgated during the reign of Victor Amadeus in 1723. This having been revised in 1770, during the reign of Victor Emanuel III, is known as the Victorian Code. After the union of Sardinia with France, the Code Napoleon was put in force, but on the overthrow of the French dominion the Victorian Code was re-established. In 1820, the king appointed a commission for the preparation of a new code which went into operation on the first day of January, 1838, and is known as the Albertine Code, from the name of the reigning monarch, Charles Albert. The Code Napoleon was never in force in the land of Sardinia, but a special code was enacted there in 1827, which was repealed in 1848 by the enactment of the Albertine Code, which had also been adopted in Piedmont in 1838. On the 1st day of July, 1820, Parma adopted a code, which was adopted from the Code Napoleon and from the Albertine Code. On the 1st day of February, 1852, a code not very different from that of Parma went into effect in Modena. In Naples the Code Napoleon having been introduced by French domination, was maintained by the Bourbons when that domination had ceased. After the accomplishment of the Italian unity, a commission for the formation of a code was appointed on the 25th day of January, 1866. It is chiefly based on the civil law, and contains 2,159 articles.

The latest Danish code went into effect in 1684, Norway being at the time under the same crown. It was promulgated there in 1688. Of late years various efforts have been made in Denmark to have the laws codified, but without success. In 1347 the preparation of a code was entered upon in Sweden, but it was not completed for nearly a hundred years, that is, in 1442. In 1556, another effort to codify the laws resulted in a failure. In 1604 a commission was appointed for the purpose of compiling a code. It reported the draft of one in 1609, but its labors were rejected by the Diet, partly on account of a counter project for a code, reported for certain deputies. In 1686 a new commission was appointed, which after forty years of labor reported a code, which went into effect on the 23rd of January, 1736. The Constitution of Norway of 1814 requires that the laws shall be codified. Several commissions have accordingly been raised for that purpose, but no practical result has been reached as yet.

In Russia the first code was published in 1649. In 1700 Peter the Great took steps to have a new code compiled. Afterward many commissions were appointed, but the immense labor was not completed until 1832, when the code now in force, containing 35,000 laws, was published in several volumes. In Russian Poland the Code of Napoleon, introduced in 1808, remains in force, while Finland, united to Russia in 1809, retains the Swedish Code of 1736. Codification in Switzerland forms an ample and interesting history by itself, but one that is too extensive to be noted here in detail. Out of nineteen cantons and six half cantons, fourteen possess complete civil codes, the earliest of which was promulgated in 1804. They are based in the French cantons largely on the Code Napoleon, in the German Cantons on the Prussian Code, and in certain Protestant cantons on the Code of Zurich, prepared by the eminent jurist Bluntschli.

The Constitution of Greece of 1827 requires that the laws shall be codified. King Otho

intrusted this task to a German jurist, Herr Maurer, who prepared a Code of Civil Procedure, a Code of Criminal Procedure, and a Penal Code. He was engaged very laboriously in the preparation of a Civil Code when differences arose between him and the government. He complained of ill treatment, and left the country, taking the fruits of his labors with him, since which time nothing has been done. It will have been seen that the French Code has had a very important influence on the development of the law in many countries. During the consulate the duty of preparing a code of the French law was assigned to a commission composed of four very eminent judges and jurists, over which Tronchet, president of the Court of Cassation, presided. They despatched their labors with such haste that the work was begun and finished within four months, but it was discussed for four years in the Council of State, where various changes were made upon the original draft, after which it was enacted by sections at different times by the Corps Legislatif. The Civil Code, under the name of the Code Français, was adopted in 1804. With that amazing quality for appropriating the labors of others possessed by Bonaparte, he succeeded in attaching his name to it in 1807, since which time it has been known as the Code Napoleon. The Commercial Code went into effect on the 1st day of January, 1811. A Code of Civil Procedure and a Code of Criminal Procedure are also in effect.

The Code Napoleon is based on the pre-existing Germanic customary laws, and the Roman law, to the exclusion of the principles of the feudal law, which had at one time taken deep root in the jurisprudence of France. We have seen how the Code Napoleon was transplanted for a time into Italy. In the same manner it was imposed by the will of the conqueror in Westphalia in 1807, in the city of Dantzig, in the principality of Aremberg, and in Russian Poland in 1808, in Holland, and in the Grand Duchy of Berg in 1809, in Frankfort, the Hanseatic departments, and the Duchy of Anhalt in 1810, in Baden, and in the Kingdom of Illyria in 1811. From all these countries it was expelled on the downfall of the Napoleonic power save from that part of the Grand Duchy of Berg situated on the right bank of the Rhine, a part of Baden, Holland and Russian Poland. It is also in force in Belgium. Codes very similar to the Code Napoleon have been adopted in Hayti, in the Ionian Islands, in Louisiana, and as we have seen, in certain Swiss cantons. The Code Napoleon has also been adopted in Turkey, in so far as not inconsistent with local customs and the precepts of the Koran. It has been copied almost literally in Wallachia and in Moldavia. Since its adoption it has been frequently amended, but the amendments are not so extensive as perhaps might have been expected from the length of time that it has been in force, and the many changes that have taken place in the government and in the political condition of the French people.

In India the Penal Code drawn up by Macauley and presented to the governor-general in 1837, did not become a law until 1860. The Code of Penal Procedure was adopted in 1859, and a Code of Penal Procedure followed in 1861. At present a Civil Code is being prepared, and various chapters are being enacted. In Japan a Civil Code has been adopted in recent years, and it is said that a similar work is in progress in China. In Bolivia a Civil Code was adopted in 1843. Civil Codes were also adopted in the Argentine Republic in 1861, and in Guatemala in 1878. In 1871 a Civil Code was adopted in the state of Mexia, which has been adopted by nearly all the other states of the Mexican Republic.

Whatever has been done in the way of codification in the English-speaking countries, where the common law prevails, has been largely due to the labors of Mr. David Dudley Field, whose name has already been mentioned, and who for a period of nearly forty years last past has devoted much of his time to the cause with unflagging energy, sustained by unusual zeal and ability. He procured a clause to be inserted in the constitution of New York in 1846, providing for a codification of both the substantive and remedial law, under which two commissions were created by the legislature, one having for its object the preparation of

Codes of Civil and Criminal Procedure, and the other a preparation of a code of the substantive law. The Code of Civil Procedure, partly enacted in 1848, was completed in 1850. The Penal Code went into effect on the 1st day of December, 1882. The Civil Code, reported to the legislature in 1866, has twice passed, both houses of that body, but has been in both instances vetoed by the governor. On the question as to the propriety of its adoption, the profession in New York, as is well known, is much divided in opinion, as it recurs practically at every meeting of the legislature. The Civil Code, thus rejected in the place of its origin, has been however adopted in California and Dakota. In Georgia a Civil Code, prepared by a commission composed of three jurists, was adopted in 1862, and remains in force.

In England, although there has been a world of controversy on the subject of the codification of the common law, nothing in a practical way has been done up to this time. In 1866 a commission created by Parliament was directed to prepare special digests of three selected branches of the law, with a view to ultimate codification. Their action was such as to delay the work of reform indefinitely; for in 1872 the members reported that it was not advisable to take the proposed action in detail, but that a general digest of the whole law should be undertaken. They were discharged, and their recommendation was disregarded. But by the English Judicature Act of 1873 the Code of Civil Procedure of New York was substantially re-enacted. As a piece of remedial legislation that code may be considered one of the most important and successful of modern times. With slight modification, it is now in force also in twenty-four of our states and territories, and in those states and territories where it has not been introduced its influence has been such as to do away in a large measure with the unmeaning technicalities that characterize the common-law system of special pleading, that last, most persistent and damaging relic of the scholastic subtleties of the logic of the middle ages.

SUPERIOR COURT.

Montreal, June 30, 1887.

Before GILL, J.

ATLANTIC & NORTH-WEST RAILWAY COMPANY, expropriating parties, and JOHNSON, proprietor, and JOHNSON, petitioning for homologation of award of Arbitrators.

Railway Act—Award of Arbitrators.

HELD:—*That an award of Arbitrators cannot be homologated by a judge of the Superior Court, and is informal on its face, when it is not stated in what manner the third Arbitrator has been appointed.*

The Railway Company served the proprietor with a notice of expropriation, offering him $2,000, and in the event of his refusal naming Henry Joseph as their Arbitrator.

Subsequently the proprietor notified the Company that he refused their offer and appointed John L. Brodie as his Arbitrator, and by consent of the Arbitrators F. E. Nelson was appointed as third Arbitrator.

The Arbitrators having been sworn, met together on several occasions for the purpose of discussing the questions at issue, and at their last meeting a majority of them, namely Messrs. Brodie and Nelson, agreed to award to the proprietor the sum of $5,000, and an award was subsequently served upon the parties signed by all three Arbitrators, Henry Joseph however, signing only in order to record his dissent, and without admitting in any respect the legality of the award.

The Railway Company being dissatisfied with the award, served upon the proprietor an action to set it aside on the ground of informality and irregularities, and the proprietor also served the Railway Company with a petition asking for the homologation of the award by a Judge of the Superior Court.

To this latter proceeding, the Railway Company filed a written objection, alleging that the Court and Judge had no jurisdiction to homologate the award as there was no mention of any such proceeding in the Railway Act, and further, setting up that the award was upon its face informal and void,

and that an action had been taken to set it aside.

This petition having been presented and argued, Mr. Justice Gill rendered judgment in which he stated, verbally, that he overruled the objection taken by the Railway Company, to the jurisdiction of the Court, but held that the award was informal and null on the ground that although it was mentioned therein, that Nelson was third Arbitrator, yet neither in the proceedings filed in the record nor in the award itself could he find any mention made of the manner in which Mr. Nelson's appointment had been made, and he, therefore, dismissed the petition for homologation with costs against the proprietor.

The following is the text of the written judgment:—

"La Cour, ayant entendu le dit Charles M. Johnson, propriétaire à exproprier, sur sa requête demandant que la sentence arbitrale rendue par la majorité des arbitres nommés en cette cause soit homologuée, la dite Compagnie de Chemin de Fer n'étant pas représentée lors de l'audition sur le mérite de la dite requête à l'audience le 28 juin courant, mais ayant comparu, a mis au dossier une déclaration à l'effet qu'elle s'oppose à la dite homologation parce que la dite sentence arbitrale est nulle à sa face et que des procédures ont été instituées par une action pour la faire mettre de côté sans autrefois faire connaître les causes de nullité, examiné la procédure et délibéré;

"Attendu que la dite sentence arbitrale dont acte en forme authentique passé devant Mtre W. de M. Marler en date le 31me mai 1887, comporte avoir été rendue par trois arbitres, Mess. John L. Brodie, nommé par le propriétaire, Henry Joseph, nommé par la dite Compagnie, et Frederick E. Nelson, à la majorité d'entre eux, c'est-à-dire Messieurs Brodie et Nelson, qui s'accordent à dire que le propriétaire a droit à $5,000 d'indemnité pour l'expropriation de son terrain et bâtisse, M. Joseph n'agréant pas à ce montant et protestant contre la sentence. Or rien ne fait voir dans la dite sentence ni dans aucune autre pièce ou procédure produite, en vertu de quelle autorité Maître Frederick E. Nelson a pris part à la dite sentence, de sorte qu'elle ne saurait être homologuée dans l'état actuel de la cause, si toutefois elle peut l'être jamais;

"A renvoyé et renvoie quant à présent la dite requête pour homologation du dit C. M. Johnson avec dépens distraits à Messieurs Abbotts et Campbell, procureurs de la dite Compagnie, mais sans honoraire pour audition ou argument, car ils n'ont pas plaidé oralement ni même allégué leurs moyens."

Pagnuelo & Co., for petitioner.
Abbott & Co., for Railway Co.
(R. T. H.)

SUPERIOR COURT.

MONTREAL, July 9, 1887.

Before TASCHEREAU, J.

ATLANTIC & NORTH-WEST RAILWAY CO., expropriating parties, JOHNSON, proprietor, and JOHNSON, petitioning for homologation of award of arbitrators.

Railway Act—Award of Arbitrators—Homologation.

HELD:—*That a Judge has no authority to homologate an award of arbitrators made under the Railway Act.*

In the same case (see preceding report) the proprietor served the Railway Company with another petition, alleging the same facts, and stating how the third arbitrator had been named, and praying for the homologation of the award.

The same defence was raised and argued before Mr. Justice Taschereau, who dismissed the petition, holding that he had no power or right to grant the prayer, as he had no jurisdiction. The power could not be presumed as no mention was made of the Judge's right to homologate in the Railway Act, and therefore no right existed. The learned Judge drew a distinction between the cases where money had been deposited in Court under the Act with an award, so giving to a Judge a right to interfere, and other ordinary cases similar to this one where no jurisdiction of any kind was given.

Pagnuelo & Co., for petitioner.
Abbott & Co., for Railway Co.
(R.T.H.)

COUR SUPÉRIEURE.

MALBAIE, 8 nov. 1881.

Coram ROUTHIER, J.

COLLARD v. LAJOIE et al.

Exception à la forme—Congé-défaut.

JUGÉ:—*Que quand un Bref de Sommation ad Respondendum est rapportable le* 15 *octobre, et que la copie signifiée au défendeur est rapportable le* 1*er octobre, cette informalité ne doit pas être invoquée par motion pour congé-défaut à cette dernière date, qui sera renvoyée avec dépens, mais par exception à la forme lors du rapport de l'action le* 15 *octobre.*

J. A. Martin, procureur du demandeur.
J. S. Perrault, procureur des défendeurs.
(C.A.)

COUR SUPERIEURE.

MALBAIE, 31 janvier 1882.

Coram ROUTHIER, J.

BOUCHARD v. AUDET.

Saisie mobilière et immobilière en Cour de Circuit.

JUGÉ:—*Que dans les causes en Cour de Circuit on ne peut faire saisir les meubles et les immeubles du défendeur en même temps, et que sur opposition afin d'annuler, telle saisie sera déclarée nulle pour le tout.*

J. A. Martin, procureur du demandeur.
J. S. Perrault, proc. du défend.-opposant.
(C.A.)

COUR DE CIRCUIT.

MALBAIE, 26 janvier 1882.

Coram ROUTHIER, J.

FORTIN v. TREMBLAY.

Domestique—Gages.

JUGÉ:—*Qu'une servante engagée au mois, et qui abandonne le service de son maître avant la fin du mois, a droit de réclamer ses gages pour le temps donné, s'il est prouvé qu'elle est partie pour cause de maladie. Et que la demanderesse qui, une semaine après son départ était rétablie, n'était pas tenue d'offrir de terminer le temps de son engagement mais que le défendeur ne l'ayant pas mise en demeure d'y retourner, le contrat se trouve résilié tacitement.*

Action maintenue.

J. S. Perrault, proc. de la demanderesse.
Charles Angers, proc. du défendeur.
(C.A.)

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*HIGH COURT OF JUSTICE.**

June 18, 1887.

Crown Cases Reserved.

REGINA v. COLEY.

Embezzlement—Fraud by Clerk or Servant.

The prisoner was found guilty, at the Worcester Sessions, of embezzling certain moneys collected by him on account of poor-rates. It appeared that he was appointed assistant-overseer of the township of Hasbury, by the inhabitants in vestry under 59 Geo. III, c. 12, s. 7, who determined that the duties to be executed and performed by him should be to "duly and correctly prepare, balance, and make up, twice in each year, at such times as he may be required in that behalf, all and every the books and accounts of the overseers of the poor, to pass and verify their accounts for the said township before the district auditor for the time being to be appointed for that purpose, to prepare all receipts, notices, and other writing as may be required during his said office." The question argued was whether, upon the above facts, the conviction could be sustained.

R. H. Amphlett for the prisoner: The terms of the prisoner's appointment were defined by the vestry, and did not embrace the collection of poor-rates. (He was stopped by the Court).

Cranston for the prosecution: The prisoner was clearly the clerk or servant of the inhabitants, and, if so, it is quite immaterial whether or not he exceeded his authority. It is not necessary to show that the prisoner received the money by virtue of his employment. He cited *Regina* v. *Carpenter*, 35 Law J. Rep. M. C. 169; L. R., 1 C. C. R. 29.

The COURT (LORD COLERIDGE, C. J., DENMAN, J., POLLOCK, B., HAWKINS, J., and STE-

* Law J., 22 N. C. 94

PHEN, J.) quashed the conviction, holding, upon the above facts, that the prisoner was not guilty of embezzlement.

Conviction quashed.

Crown Cases Reserved.

June 19, 1887.

REGINA v. LLOYD.

Perjury—Oath taken before Court of Competent Jurisdiction—Examination of Witness continued elsewhere.

This was a case reserved by DAY, J.

The prisoner was tried before the learned judge at the last Liverpool assizes, upon an indictment charging him with wilful and corrupt perjury, alleged to have been committed by him in the course of his examination as a witness in a case of bankruptcy, under section 27 of the Bankruptcy Act, 1883. The evidence for the prosecution showed that the prisoner was duly sworn before the registrar then sitting in the Bankruptcy Court; and a duly appointed shorthand writer made a declaration at the same time that he would take and transcribe the prisoner's evidence. After this both prisoner and shorthand writer retired to a room at the other end of the building, where the former was examined by the solicitor to the official receiver. The registrar was not present or within hearing at the time the answers were given by the prisoner upon which perjury was assigned in the indictment. The jury convicted the prisoner, but he was released on bail, pending the decision of the point reserved. The question for the Court of Crown Cases Reserved was, whether the said indictment was supported by evidence, having regard only to the facts that, although the oath was properly administered before a competent Court, the registrar was to the extent and under the circumstances above described absent when the particular questions were answered, on which answers the perjury was assigned.

The COURT (LORD COLERIDGE, C. J., DENMAN, J., POLLOCK, B., HAWKINS, J., and STEPHEN, J.) held that the examination as taken was not taken 'before' the Court, and that such an examination was not legally admissible against the prisoner.

Conviction quashed.

CHANCERY DIVISION.

June 18, 1887.

Before CHITTY, J.

OAKEY & SONS v. DALTON.

Trade-mark—Action for Infringement—Survivor—Right of Executors to sue—'Actio personalis moritur cum persona.'

The plaintiff in an action for infringement of a registered trade-mark having died, it was contended by the defendant that the legal maxim 'Actio personalis moritur cum personâ' was applicable, and that the action could not be continued by the plaintiff's executors.

CHITTY, J., said that the relief claimed by the plaintiff comprised an injunction, damages, and destruction of infringing documents. The statement of claim alleged loss to the plaintiff caused by the defendant. That being so, the cause of action survived to the executors, on the principle that the estate which had passed into their hands had suffered injury. It was unnecessary to decide any point as to whether the executors could sue for an injunction, although they did not appear on the register as the owners of the mark.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, July 9.

Judicial Abandonments.

D. Caron & Fils, district of Richelieu, July 7.

J. B. Leblanc, Quebec, June 30.

Henry R. McCracken, township of Hinchinbrooke, June 28.

Curators appointed.

Re Victor Aubut, Arthabaska.—Kent & Turcotte, Montreal, curator, June 28.

Re Joseph Corriveau, Magog.—J. J. Griffith, Sherbrooke, curator, July 2.

Re Louis Lavertu, East Angus.—H. A. Bédard, Quebec, curator, July 2.

Re Charles Marcotte.—J. E. Casgrain, l'Islet, curator, June 24.

Re J. T. Morey, Montreal.—John McD. Hains, Montreal, curator, July 5.

Dividends.

Re Joseph Boivin.—First dividend, payable July 25, E. J. Angers, Quebec, curator.

Re Charles McCambridge.—First dividend, payable July 23, C. Desmarteau, Montreal, curator.

Re Telesphore Delage, Coteau Station.—First and final dividend, payable July 24, C. Desmarteau, Montreal, curator.

Re P. G. Delisle.—Final dividend, payable July 27, V. W. Larue, Quebec, curator.

Re Julie Esther Alphosine Mongrain, Bryson.—First and final dividend, payable July 17, W. G. Leroy, Bryson, curator.

Re Arline Filteau, Three Rivers.—First dividend, payable July 28, Kent & Turcotte, Montreal, curator.

Appointment.

Charles Weilbrenner, appointed high constable for the district of Richelieu.

GENERAL NOTES.

La Cour d'assises d'Indre-et-Loire a jugé hier un jeune ouvrier relieur nommé Daout, poursuivi pour tentative d'assassinat sur sa maîtresse.

Le côté intéressant de cette affaire, c'est que l'accusé est un ancien sujet de magnétiseurs célèbres; après avoir été magnétiseur lui-même, il était devenu.... rédacteur de la *Petite France.*

Le ministère public et la défense, celle-ci surtout, ont fortement insisté sur le rôle infâme des magnétiseurs qui ont opéré sur Daout, et l'ont, suivant eux, conduit au crime par l'abrutissement; ce sont eux, a prétendu le défenseur, les premiers coupables; ce sont leurs expériences de catalepsie qui ont enlevé à Daout tout équilibre moral.

Le jury a néanmoins conclu à la responsabilité de l'accusé, qui a été condamné à six ans de réclusion.—*Gaz. Pal.*

Au nombre des personnes qui ont disparu dans la panique occasionnée par l'incendie de l'Opéra-Comique, le 25 mai dernier, se trouvait une demoiselle Elisa-Adrienne Petit-Maître, née à Neufchâtel (Suisse). Son corps n'a pas été retrouvé, mais à la suite des fouilles pratiquées dans les ruines du théâtre, on a découvert un corps carbonisé et méconnaissable, sur lequel on a constaté la présence de quelques lambeaux de vêtements ayant appartenu à Mlle Petit-Maître. Ce corps, déposé à la Morgue sous le No. 344, a été inhumé sous le No. 1494 des inhumations de la mairie du 2e arrondissement, mais aucun acte de décès n'avait été dressé par l'officier de l'état civil.

La famille de Mlle Petit-Maître s'est pourvue devant la Chambre du conseil du Tribunal de la Seine pour obtenir un jugement tenant lieu d'acte de décès: conformément à la requête qui lui était présentée par Me Cortot, avoué, le Tribunal a rendu un jugement donnant acte du décès de la demoiselle Petit-Maître.

Goliath! il s'appelait Goliath!

C'était un nom de fâcheux augure. Mais il n'est point de superstition qui résiste à une rage de dents. Mlle Riguet était donc entrée, la pauvrette, dans l'antre du dentiste Goliath.

Goliath retint longtemps sa cliente. Mais elle ne s'aperçut de rien, tant ce diable d'homme mettait dans son œuvre infernale de prestesse et de force. Quand ce fut fini, il lui présenta de l'air le plus gracieux un miroir. Horreur! Elle avait les joues creuses, les lèvres recroquevillées, tout le squelette du visage saillant et grimaçant. Goliath avait enlevé toutes les dents!

Mlle Riguet alla conter sa peine au commissaire de police, qui lui répondit par un affreux jeu de mots:

"Les histoires du palais ne sont pas de mon ressort."

Il fallut se rabattre sur le juge de paix. Le débat fut violent:

Le juge.—Que demandez-vous, madame?

La plaignante.—Mademoiselle, Monsieur le juge. Je demande justice!

Le juge.—Mais encore faudrait-il....

La plaignante.—Je veux dent pour dent. Voyez en quel état ce bourreau m'a mise.

Le juge.—Il est vrai, mademoiselle, qu'on a peine à vous comprendre. Mais la bible n'est pas notre code, et....

La plaignante.—Eh bien! monsieur, je réclame deux mille francs de dommages-intérêts.

Le juge.—Ma compétence ne va pas jusque-là.

La plaignante.—Cependant, monsieur, vous avez des yeux, et vous pouvez voir qu'avant cette mutilation...

Le juge.—Oh! assurément, madame. Mais mes yeux ne peuvent pas me servir de code. Nous réduirons cela, si vous le voulez bien, à deux cents francs.

Cependant Goliath contemple d'un air souriant et tranquille son œuvre abominable.

Le juge se tourne vers lui avec sévérité:

—Qu'avez-vous à dire pour votre défense?

Goliath.—J'ai à dire que je réclame à Madame cinquante francs pour mes honoraires.

La plaignante.—Ah! c'est trop fort!

Le juge.—Est-ce qu'elle a consenti à se laisser arracher ainsi toutes ses dents?

Goliath.—Mais, monsieur, elle n'a pas bougé.

Le juge.—Eh bien! mademoiselle, que répondez-vous à cela?

La plaignante.—Monsieur, je suis si distraite.

Le juge.—Ah!

Goliath.—D'ailleurs, monsieur le juge de paix, les pièces à conviction sont là. Vous pourrez voir que la bouche à mademoiselle était affreuse: tout était noir, gâté, déchaussé, branlant. Un ratelier était indispensable.

La plaignante.—Ah! voilà le mot de l'énigme. C'était pour me poser un ratelier.

Le juge.—Eh bien! nous allons commettre un expert.

L'expert déclara qu'il lui paraissait bien invraisemblable que Mlle Riguet n'eût rien senti pendant l'opération; il ajouta que les pièces à conviction innocentaient complètement Goliath.

Mlle Riguet perdit son procès et fut condamnée à payer des honoraires.

Elle a interjeté appel. Mais les juges de la septième chambre, fort embarrassés dans cette mystérieuse aventure, ont fait perdre leur procès aux deux plaideurs.

Le dentiste a été condamné à deux tiers des dépens, Mlle Riguet à l'autre tiers. Pauvre Goliath!—*Gaz. du Palais.*