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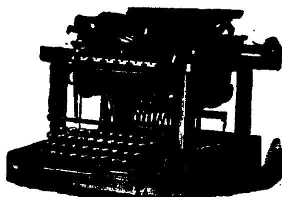

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The Legal News.

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It is to be hoped that the request for additional terms of the Court of Appeal will not be pressed by the Bar. The judges are fully occupied at present—perhaps even overworked, and to impose additional terms would be simply to deprive them of the time required for the proper examination of the cases heard during the terms as they are now established. It may be remarked that no increase of arrears was shown by the March list, and there did not appear to be any extraordinary anxiety on the part of the Bar to go on with cases, for the thirty-second on the list was reached on the fourth day, a great many of the previous cases having been passed over at the request of counsel.

Notwithstanding this disposition to suspend cases, the arguments last term were unusually brief and to the point. If the improvement in this respect continues, there is a chance of reducing the list without extra terms. The arguments last term averaged about three per day, deducting the time occupied by rendering judgments. At this rate the Court would soon get the list under control, but it is obvious that the more cases heard, the less time there is for deliberation, and the less room for interposing additional terms between the ordinary ones.

It is very remarkable that so many cases in which the amount is very small and the questions unimportant—often mere matters of fact—are brought up to the Court of Appeal. These petty cases are so numerous, and occupy so much valuable time, that we believe considerable relief might be afforded to the Court by a slight readjustment of the conditions entitling the party to an appeal. For example, the appeal might be taken away in all cases under $250, unless it appeared to a judge in chambers that the case presented a question of law of sufficient importance to be considered by the full court. As to cases under $250, the party would still have the right of Review before three judges whose decision should be final.

In *Kleeman* v. *Kemmerer* (Common Pleas, Equity, Pennsylvania), a curious question was raised between tenants. The plaintiff was the lessee of a suite of rooms on the third floor, and defendant was the lessee of a suite of rooms on the second floor, of a certain building. There was a single front door, hall and stairway, common to both suites of rooms. Defendant claimed and exercised the right to keep the front door locked, thus compelling the plaintiff and members of his family to unlock it when they wished to enter or admit visitors. The plaintiff prayed for an injunction. The Court held that the parties had a common right of way as to front door, hall and stairs, which, however, each was bound to exercise reasonably; that keeping the front door locked at all hours was undoubtedly a serious inconvenience and injury to the plaintiff, and, therefore, an injunction should be granted to restrain the defendant from keeping the door locked, except at night between the hours of 8.30 p.m. and 6.30 a.m.

A question was raised here not long ago as to the value of the evidence of unchaste women. (8 L.N. 121.) In *Seibert's Estate* (Philadelphia Orphans' Court), 17 W.N. Cas. 271, this was one of the points considered by the judge. It was a question of proving a marriage. There was a great deal of very emphatic but irreconcilable testimony. And as to direct evidence the judge said: "The single witness to the marriage ceremony admitted that she herself lived in a house which, by a figure of elegant irony, is sometimes described as of 'doubtful' reputation. We concede that this confession will not destroy the competency of the witness, and there is high authority for doubting whether it will even impeach her credibility. In his note to the text of Baron Gilbert, Capel Lofft, after saying that incontinence is a ground of excommunication, and therefore of exclusion from the witness stand, exclaims: 'As if being unguardedly awake to the impression of nature demonstrated an insensibility to the voice of truth!"

COURT OF QUEEN'S BENCH.

[Crown Side.]

MONTREAL, March 12, 1886.

Coram RAMSAY, J.

THE QUEEN v. AUGUSTE CHAREST, & DOLPHIS GOULET.

On an indictment for larceny as servants.

The evidence showed that the prisoners were not servants of the complainant; that the complainant advanced them money to buy rags, which they were to sell to the complainant at a certain price, their profit being the difference between the rate the prisoners could purchase the rags and this fixed price. The prisoners consumed the money in drink, and bought no rags.

The Court held that the prisoners were not the servants of the complainant, that he lent the money to the prisoners to carry on their traffic, and that there was no larceny.

The jury returned a verdict of "not guilty."

COUR DE CIRCUIT.

MONTRÉAL, 12 mars 1886.

Coram JETTÉ, J.

NEWBURY v. MCHELE.

Opposition à jugement—Dépôt—Description de l'opposant.

JUGÉ:—1. *Que dans les causes au-dessous de* $60, *le défendeur qui fait une opposition à jugement n'est pas tenu de faire un dépôt en Cour pour payer les frais de l'avocat du demandeur sous l'article* 486 *du C. P. C.*

2. *Qu'il suffit à l'opposant à jugement de se décrire dans son opposition tel qu'il l'a été dans le bref de sommation.*

Le demandeur avait pris jugement *ex parte* devant le protonotaire pour $6.75. Le défendeur fit une opposition à ce jugement et la produisit sans l'accompagner d'aucun dépôt en argent.

Une motion fut présentée par le demandeur demandant le rejet de l'opposition : 1. Parce que l'opposant n'avait pas dans son opposition donné sa qualité ; 2. Parce que l'opposition n'était accompagné d'aucun dépôt pour payer les frais de l'avocat du demandeur "encourus à compter du rapport du bref jusqu'au jugement et signification d'icelui." (C. P. C., article 486.)

Le défendeur résista à cette motion sur le principe que l'opposition à jugement n'était qu'un plaidoyer et que, par conséquent, l'opposant n'était pas tenu d'y mentionner ses qualités ; d'autant plus qu'il avait suivi la description du bref. Sur le second moyen, il prétendit que l'article 486 du C. P. C., en parlant de *frais encourus* n'entendait forcer l'opposant qu'à déposer les *déboursés* de l'avocat du demandeur, et que dans les actions au-dessous de $60, il n'y aurait à déposer que 10 centins pour l'affidavit. Que vu l'exiguité de cette somme, la pratique constante a été de ne pas faire de dépôt.

La Cour a maintenu les prétentions de l'opposant.

PER CURIAM. Sur le premier moyen de la motion, savoir, que l'opposant n'a pas donné ses qualités ; quoique ce soit un abus de ne pas mentionner les qualités du défendeur, l'opposant dans son opposition était justifiable de suivre la description qu'il a trouvée au bref de sommation, description faite par le demandeur lui-même qui ne peut s'en plaindre maintenant. Sur le second moyen, savoir, le défaut de dépôt fait avec l'opposition sous l'article 486 C. P. C., le seul dépôt que l'opposant aurait pu faire aurait été une somme de 10 centins, or, *de minimis non curat lex.*

Motion renvoyée.

Matheson & Tucker, avocats du demandeur.

J. J. Beauchamp, avocat de l'opposant.

(J. J. B.)

COUR D'APPEL DE PARIS (FRANCE).

Janvier 1886.

DAME SAYE v. MULLER.

Terrain à batir—Vente—Vice caché—Excavation.

JUGÉ: — *Que des excavations non apparentes dans un terrain vendu ne sont pas des vices cachés qui entraînent la garantie du vendeur ou une diminution du prix, à moins qu'elles n'aient été cachées par fraude et dissimulation.*

Les 10 et 12 de juillet 1879, les époux Mul-

ler avaient vendu à la dame Saye, par acte passé devant Me Diolé, notaire, un terrain sis à Vincennes, avenue Aubert, d'une contenance de 20,000 mètres, moyennant le prix de 28,000 fr., avec obligation pour la dame Saye de prendre le terrain vendu dans son état actuel.

La dame Saye se proposait de faire construire sur ce terrain une maison. Les fouilles faites pour élever cette construction révélèrent que ce terrain avait été exploité en carrière ouverte. Mme Saye, se voyant obligée de faire des travaux qui augmentaient les dépenses prévues, intenta une action devant le tribunal civil pour obtenir résiliation de la vente, ou diminution du prix de vente, en raison du vice caché du sol.

L'expert désigné par le tribunal à l'effet de constater l'état du terrain avait reconnu que le dit terrain avait été antérieurement fouillé et remblayé, mais il déclarait, en même temps, que les terrains non fouillés sont rares dans Paris et dans ses environs immédiats.

Le Tribunal, ayant au rapport de l'expert tel égard que de droit, a déclaré par son jugement la dame Saye mal fondée en sa demande et l'a condamnée aux dépens: "considérant que les vices que l'on peut supposer se rencontrer dans un terrain ne peuvent être considérés comme devant entraîner la garantie du vendeur, ou une diminution du prix de la chose vendue, lorsque l'état du terrain n'a pas été dissimulé à l'aide de travaux entrepris dans le but de cacher sa nature de remblai."

Sur l'appel interjeté par la dame Saye, la Cour de Paris a jugé que la vente avait eu lieu sous l'obligation de prendre le terrain dans son état actuel et sans aucune garantie particulière de sa nature.

Adoptant, au surplus, les motifs des premiers juges, le jugement du Tribunal a été confirmé et l'appelante a été condamnée à l'amende et aux dépens.

Rapport de Mtre Louis Albert—(*Journal de Paris*).

COUR D'APPEL DE NANCY (1re Ch.).

31 décembre 1885.

Présidence de M. d'Hannoncelles.

Séparation de corps — Femme demanderesse — Ecrit émané du mari—Pensées intimes destinées à rester secrètes—Possession illégitime—Production en justice—Irrecevabilité.

La femme demanderesse en séparation de corps ne peut faire usage à l'appui de sa demande d'un écrit rédigé par son mari et contenant les pensées intimes de ce dernier, lors, du moins, qu'elle ne peut prouver les circonstances à la suite desquelles cet écrit est parvenu entre ses mains.

Braibant v. Dame Braibant.

" La Cour,

" Sur les conclusions principales de l'appelant:

" Attendu que la dame Braibant possède un cahier de notes rédigé par son mari depuis l'année 1877 et dans lequel ce dernier a consigné ses pensées et ses impressions les plus intimes; que cet écrit d'un caractère confidentiel et destiné à demeurer secret est la propriété de son auteur; que la dame Braibant ne peut en faire usage, même à l'appui d'une demande en séparation de corps, s'il n'est entre ses mains par suite d'une communication faite par son mari ou par l'imprudence de ce dernier qui aurait laissé son cahier de notes exposé accidentellement aux regards de sa femme; que la dame Braibant ne révèle pas les circonstances dans lesquelles l'écrit litigieux s'est trouvé en sa possession, ce qui permet d'ajouter foi à la déclaration du mari qui prétend que son cahier est entre les mains de sa femme par suite d'une recherche indiscrète faite par celle-ci dans un meuble à lui personnel et dans lequel il était soigneusement renfermé; qu'on doit considérer dès lors comme illégitime l'usage que la dame Braibant entend faire d'un écrit demeuré la propriété de son mari, qui incontestablement a le droit de le revendiquer afin de le soustraire à toute publicité;

" Par ces motifs,

" Ordonne: 1o. que l'intimée sera tenue de remettre à l'appelant les notes et le cahier les contenant sur lesquels elle a pris les extraits insérés dans ses conclusions de première instance; 2o. que les passages des dites conclusions relatant ces extraits seront supprimés et qu'il n'en sera fait aucun usage en plaidant."—*Gaz. du Palais.*

Note, par Gaston May, prof. à la faculté de droit de Nancy. — L'époux demandeur en

séparation de corps ou en divorce est souvent amené à produire en justice à l'appui de sa demande des lettres missives émanant de son conjoint ou adressées à ce dernier par des tiers. La question de la production de ces lettres a donné lieu en doctrine à des controverses assez vives. V. Aubry et Rau, t. V. § 491, 2°.; Demolombe, Traité du mariage, t. II, No. 393 et suiv.; Laurent, Dr. civ. fr., t. III, No. 201; Dalloz, vo. Séparat. de corps, No. 42, et vo. Lettres missives, Nos. 22-23. La jurisprudence n'est pas non plus fixée sur tous les points. Elle admet maintenant sans difficulté que l'époux peut produire les lettres qui lui sont adressées par son conjoint. Mais il y a déjà plus de doutes lorsqu'il s'agit de lettres adressées par le conjoint à des tiers ou par des tiers au conjoint. Les décisions judiciaires les plus récentes tendent à faire prévaloir à ce sujet une distinction entre le mari et la femme. Cette dernière peut produire des lettres, à la condition qu'elle se les soit procurées par des moyens non frauduleux, et cela, semble-t-il, quel que soit leur caractère prétendu confidentiel: Aix 21 mai 1885 (Gaz. Pal. 85. 1. 782); Gand 21 mai 1884 (D. 85. 2. 100); Lyon 6 mars 1883 (D. 85. 2. 191). Mais le mari jouissait ici d'une sorte d'immunité et pouvait à raison de l'autorité domestique dont il est revêtu produire des lettres écrites par la femme ou à la femme quel que soit le moyen qu'il ait employé pour se les procurer, pourvu que ce moyen ne constitue pas un délit puni par la loi pénale: Cass. 15 juillet 1885 (Gaz. Pal. 85. 2. 358) et les renvois; 9 juin 1883 (D. 84. 1. 89). Notre arrêt a tenu compte de ces précédents et s'est inspiré des principes qui s'en dégagent dans une espèce qui présente un intérêt tout particulier à raison de son caractère de nouveauté. La pièce produite par la femme demanderesse n'était point en effet une lettre missive, mais un cahier de notes contenant les pensées intimes du mari. Par sa nature même cet écrit n'était destiné à être communiqué à personne, non plus à être vu ou lu par personne. Il avait donc au plus haut degré le caractère d'une propriété inviolable, et ne pouvait être invoqué par l'époux qui s'en était emparé, alors qu'il ne pouvait expliquer comment la pièce était parvenue en sa possession. A l'exemple des décisions ci-dessus rapportées, la Cour est donc amenée à admettre que l'époux en aurait pu faire usage s'il s'était procuré l'écrit par un procédé non frauduleux. On peut remarquer au surplus qu'il s'agissait d'un de ces écrits rentrant dans la catégorie de ce qu'on appelle *registres et papiers domestiques*. Or, il est de principe que de telles écritures ne font pas foi contre celui qui les a rédigées, sauf en matière d'obligations et dans deux cas spécifiés par l'art. 1331 C. civ.: Aubry et Rau, t. VIII, § 758, 1o: Grenoble 31 mai 1884 (Gaz. Pal. 85, 2, supp. 96) et la note. *A fortiori* doit-il en être de même dans les questions d'Etat où d'ailleurs la loi a pris soin de préciser elle-même les circonstances où ce genre de preuve pourrait être employé: art. 46 C. civ., preuve des naissances, mariages et décès en cas de perte des registres; art. 323-324 C. civ., preuve de la filiation légitime à défaut de titre et de possession constante. La jurisprudence semble d'ailleurs se fixer de plus en plus en ce sens que les tribunaux n'ont pas le pouvoir d'ordonner l'apport ou la production des registres et papiers domestiques qui sont la propriété exclusive de l'une des parties. Grenoble 31 mai 1884, cité. Les mêmes raisons doivent faire rejeter du débat tous registres et papiers domestiques qui y seraient versés contre la volonté de leur propriétaire.

A CASE FROM THE YEAR BOOKS.

In the Court of Common Pleas, Trinity Term, 12 Henry VIII. (A.D. 1521), folio 3 (B), Case Three.

Filow, plaintiff, vs. J——, defendant.

(Preliminary Remarks.)

The object of this action was to determine the question whether one could have any property in a bloodhound. It was conceded by all that there was no such property as would justify a conviction for felony. The point in controversy was whether an action for damages would lie. It is treated as a case of the first impression, no authorities bearing directly upon the point being cited. Each of the judges delivers an opinion. This is common in cases of importance. They appear to rely to some extent on Biblical authority, one of them tracing the wildness of animals to the fall of Adam, while another

quotes the golden rule. The opinion of Elliot, J., is certainly weak, and contrary to the general sentiment of the bench. The question of property in animals seemed then to turn largely on possession. More is made of that than would be urged at the present time. Still, the decision itself is sound, though the mode of reasoning is certainly quite singular.

Some parts of the report, not bearing on the main question, are omitted.

Report—William Filow, Knight, brought an action of trespass against J——, because he had beaten the plaintiff's servant, and had carried away one dog, called a bloodhound. Upon this there was a demurrer.

Fitzherbert, counsel for defendant:

No action lies for a dog, since for a thing of no value or of no profit one will not have an action; and a dog is of no value, but a thing of pleasure. All things should favor the "commonwealth," but a hound is not profitable, for a servant would be better occupied if there were no such trifles, and for this the commonwealth does not favor them; and if this be so, then if any one should take this dog no action would lie against him.

Newport & Newdigate to the contrary:

It is said that wherein one has sustained wrong or damage, the law gives him a remedy, and he has an action; and here the defendant has done to us damage by the taking, for although this dog is a thing of pleasure, still he is profitable for hunting or recreation. For if I have a popingay or a thrush which sings and refreshes my spirits, this is a great comfort to me; and if one takes it from me he does me a great wrong, and he ought to be held accountable. Again, some hold their land by the tenure of a dog or bird, and then if one takes these away there is great damage. So it is laid down in the books that if one permits his dog to enter into another's close, and the tenant of the land distrains him *damage feasant*, the owner would have replevin. (The action of replevin involves ownership.)

Roe in reply:

Where one will have no appeal of felony, or where cannot be indicted for a felony if a thing is taken with felonious intent, there no action for trespass will lie. Now, for the taking of a dog one will not have an appeal of felony, though it be taken with felonious intent, since there is no reason why one should have judgment of life or limb for a dog which is of no value; and accordingly he can have no action for damages for such a thing.

Brooke, Justice:

It seems that the count is sufficiently good. As to what is said that this is not a trespass because it is not a felony, it is not to the purpose, for if one cuts down my trees or takes my deer or pheasants or conies, this is not a felony; but still it is a trespass, for this is a wrong and damage to me. A man can do a damage to me and not do me any legal injury. If the sheriff should arrest me, that is a damage, because I am restrained of my liberty; but this is not a legal injury. So if an artificer should acquire to himself more customers than others of the same art, as a scrivener or a schoolmaster, who has more scholars than others because he is more erudite, that is damage and not injury, for each one may advance himself, and the act is not punishable. So if a lord beat his villein, or a husband his wife, or one beat an outlaw or a traitor or a pagan, these will have no action, for they are not able to pursue an action; but where one has taken my dog, even though he be but a thing of pleasure, still I have a property in him.

For at the commencement of the world all the beasts were obedient to our first father Adam, and all the four elements were obedient to him; but after that he broke the commandment of our Lord God, all the beasts commenced to rebel and become savage; and this was for the punishment of his crime, and now they are in common and belong to the occupant, as fowls in the air and fish in the sea and beasts of the land. When I have taken a wild fowl and by my industry have tamed him and deprived him of his liberty, now I have a special property in him, because he has become obedient to me by my labor, and it is not lawful for any one to take him. This rule applies to deer in my park and fish in my pond, but it is otherwise if they are in a river. So is it of a tame beast at my house, but otherwise if at large. For

if I have a singing bird, although he renders me no profit, yet he refreshes my spirits, which are the cause of the good health of my body, which is a greater treasure than all riches; and then if any one takes this bird from me, he has done me a great damage, and I will have my action. So in the present case: the hound is profitable for many things, for he can go with me and no one will like to make an assault upon me, or he may pursue a robber; so he may be profitable for a shepherd, and if one takes the dog from his possession he does him a damage. It is reasonable in all of these cases that there should be an action, but the damages will be assessed by the court according to the profit of the hound, and never by the estimate of the party claiming him.

POLLARD, J.:

It has been said in argument that a dog is against the common weal. I agree that in speaking of common profit, there would be more profit if there were no parks in all England, and then the great lords would lose their pleasure; but although it be against my profit to keep a hound, it is not lawful on that account to take it out of my possession, for harps and lutes and fiddle bows are not profitable on account of the cost of strings; yet it is not lawful for any one to take them from me against my will, for you should do to another what you would like to have done to yourself. "*Hoc facias alteri, quod tibi vis fieri,*" and although this act in question cannot be felony, yet it may be trespass. So if I give my cloth to a tailor to make up into a coat, and he does not wish to return it, or my plate to my butler to guard, and he goes off with it—this cannot be called felony, and yet I shall have a remedy. To hold otherwise would be against reason. So in this case: my hound is my treasure, for he takes game for my pleasure. So my hawk is *feræ naturæ;* still by my labor and diligence I have changed his nature, and though he was once common to all, now I have a property in him. Accordingly, if I suffer my hawk to fly at a bird, and another takes him, I have an action, because he was still in my possession. So here: when this hound was in the possession of my servant, that was my possession, for my servant had wages to take charge of him, as the keeper of a park has wages to guard my deer, and they are adjudged in my possession because I found a man to guard them at my own cost; then here this possession of my servant is my possession, and if one takes this from me he does me great damage, for a hound is profitable to recover a deer that has been injured, and he is ready to kill beasts for my profit, as otter, foxes, and other vermin, and it is reasonable to have action for this taking, for otherwise no one will be accountable for taking wrongfully a thing of pleasure which I would not part with for a great sum; so the action will well lie.

ELIOT to the contrary: It seems to me that one ought to have no action for a dog, for a dog is classed as "vermin," and savage by nature, for in Latin he is called "*fera,*" and never "*jumentum*" nor *averium,* for "*averia*" are properly such beasts as are, though wild by nature and savage, now docile, and are fit for the sustenance of man, as sheep, oxen, etc., and for them one will have an action, for by the conversion of them the owner has damage; but if one takes my dog I have no great damage thereby. Now, if my horse or ox escapes to another country, and a stranger takes him there, I will have no action for him, for when he is out of my possession I have no property in him. And one can have possession and not property, since deer in my park are in my possession, but I have no property in them, for if they escape then they become common. Again, dogs and cats are not tithable; for the spiritual law does not desire that vermin should be tithable, for apes and monkeys are also only "vermin." So, if I grant to a man all my goods and chattels, dogs do not pass, (citing Year Book 18, E. IV. 15). So though a man has great pleasure in such beasts, still there is no reason that he shall have his action for his pleasure, as that is a thing of no value; for a lady who has a little dog is unwilling to sell this for a great sum of money, and if I take it, there is no reason why she shall have an action for the pleasure she had in it; and so in this case, although the owner had pleasure in this animal, still it is not lawful that he

should have an action for a thing which is of no real value and is only "vermin." So the action does not lie.

BUDENELL, Ch. J.: I agree one shall not have replevin nor detention for such things, for this reason, that they are not of any price (value). The claimant cannot name the value nor say that they are his wild animals. And yet, although there cannot be felony, there can be trespass, for the taking of chattels is felony according to custom and use of the country. For takings are felony in some places which are not in others, as in the Isle of Man, if one steals a horse or ox, it is not felony, for he cannot hide it; but if he steals a capon or a pig he is hung; but it is not so here, and when animals are *feræ naturæ* and savage I shall have no appeal of felony, for I have no property in them, and am not able to say that they are my beasts, and the reason is that they are savage and not domesticated. It is on this account that they are not tithable. But when I have made wild animals tame by my labor and expense, then the property in them is changed and the nature altered, and then if any one takes them from me I shall have an action, not merely because he broke into my close, for peradventure he took them in the common highway or away from my house, or he might have taken my falcon from his perch, and not have trodden down my grass, etc.; still, because I have a property in them, and they are for my advantage, I shall have an action against him who takes them. A hound is necessary to kill vermin or to slay game for my pleasure. So a keeper of a park is not able to be without a hound to pursue hunters or to rescue deer that have been injured, which well proves that such hounds are necessary. Accordingly, one who takes him out of my possession does me great damage. So if I have a tame otter or tame hind, if any one takes them the *property* is in me, because its nature is changed by my industry, and I have a pleasure and a profit in them. But if my hound strays and one takes him I shall not have an action; but if he follows me or is with my servant, then if any one takes him, I shall have a good action, for he was in my possession, and so the taking is a damage to me, and I can have no remedy but by action. For this cause it is reasonable that there should be an action.

It was adjudged that the plaintiff had a sufficient cause of action, and he recovered six shillings and four pence damages and costs.—(*Prof. T. W. Dwight in Columbia Jurist.*)

REGULA GENERALIS.

Dans les causes qui seront jugées, à compter du 1er jour du terme prochain, les honoraires des avocats et procureurs dans les appels des jugements de la Cour Supérieure seront comme suit :—

Les causes seront divisées en 1e, 2e et 3e classes. Dans les causes de première classe l'honoraire sur l'argument sera de $50; dans les causes de seconde classe il sera de $37.50; et dans celle de troisième classe il sera de $25 au lieu et place de l'honoraire fixé par le tarif actuellement en force.

Les autres honoraires mentionnés dans le tarif actuel seront applicables à tous les appels provenant de la Cour Supérieure.

Les causes seront considérées comme causes de première classe ou de seconde classe lorsque le jugement ordonnera que les frais auxquels les parties sont condamnées seront ceux d'une cause de première ou de seconde classe suivant le cas. Toutes les autres causes dans lesquelles il y aura une simple condamnation aux dépens sans indiquer de quelle classe, seront considérées comme étant de la troisième classe et seront taxées comme telles.

Il sera alloué une somme de $1 par page au lieu de $2 pour l'impression de tout factum, et de tout appendice y annexé, qui sera produit après ce jour.

Sur tout cautionnement pour appeler de la Cour Supérieure à cette Cour il sera alloué à la partie appelante, outre le coût du cautionnement, le même honoraire que sur une motion faite devant cette Cour.

Il sera également alloué au procureur représentant l'intimé sur tel cautionnement l'honoraire qu'il aurait eu sur une motion.

Les mêmes honoraires seront alloués sur tout cautionnement ou toute demande pour fournir un cautionnement, lorsque la partie aura failli dans sa demande ou n'aura pas procédé sur son appel.

Cour d'Appel, Montréal, 27 mars 1886.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, March 27.

Judicial Abandonments.

J. E. Labrecque, undertaker, Quebec, March 20.

Curators appointed.

Re John B. Bagin, trader, St. Lambert.—C. H. Walters, Montreal, curator, March 24.

Re S. P. Bellay & Cie.—C. F. Bouchard, Fraserville, curator, March 22.

Re Nap. Grenier.—C. Millier, Sherbrooke, curator, March 22.

Re Hermyle Parant, trader, Rivière-Blanche.—H. A. Bedard, Quebec, curator, March 20.

Re Henry Sévigny, trader, Ste. Flore.—Jos. Hamel, Quebec, curator, March 18.

Re Sulpice Télesphore St. Cyr.—A. Demers, advocate, Berthier, curator, March 20.

Dividends.

Re Pelletier & Tardif, traders.—1st div. payable April 6. H. A. Bedard, Quebec, curator.

Re Gaudias Curodeau, trader, Montmagny.—1st and final div. payable April 6. H. A. Bedard, Quebec, curator.

Re J. Bte. Pagnuelo.—1st and final div. payable April 15. J. O. Dion, St. Hyacinthe, curator.

Separation as to Property.

Elise Dupuis vs. Arsène Turgeon, Quebec, March 11.

Joséphine Lavallée vs. Félix Latraverse, hotelkeeper, Sorel, March 20.

Marie Philomène Contant vs. David Louis Roy, watchmaker, Montreal, March 26.

Adèle Paquet vs. Cléophas Langhan, tinsmith, Quebec, March 26.

Quebec Official Gazette, April 3.

Judicial Abandonments.

Isaac Bourguignon, printer, St. John's, March 20.

George Dugas, jr., grocer and baker, St. Anicet, March 13.

Philias Guillet, hatter and furrier, St. John's, March 26.

Louis Joseph Latour, trader, Lanoraie, March 30.

Olivier Lefebvre, trader, St. Hugues, March 31.

Joseph Pariseau, trader, Belœil, March 27.

Benjamin M. Pettes, trader, Knowlton, March 17.

Frederick Pierce, trader, Clifton, March 26.

Philippe Pouliot, Fraserville, March 27.

Timoté Réaume, grocer, Laurentides, March 30.

Antoine St. Martin, trader, St. Louis de Bonsecours, March 27.

Curators Appointed.

Re H. J. Brown, St. Francis.—N. Coburn, Melbourne, curator, March 29.

Re Calixte Gaudette, St. Hyacinthe.—J. O. Dion, St. Hyacinthe, curator, March 26.

Re William Millar.—Joseph Fortier, Montreal, curator, March 18.

Re Francis M. O'Donnell, St. Giles.—H. A. Bedard, Quebec, curator, March 31.

Dividend Sheets.

Re J. A. Beauvais, Montreal.—Final dividend payable April 29; Kent & Turcotte, Montreal, curator.

Re J. M. Gaudet, Farnham.—Payable April 21; Kent & Turcotte, Montreal, curator.

Re V. Girouard, Montreal.—Final dividend payable April 29; Kent & Turcotte, curator.

Re J. H. Leblanc, Montreal.—Final div. payable April 21; Kent & Turcotte, curator.

Re Joseph Leduc, Montreal.—Final dividend payable April 21; Kent & Turcotte, curator.

Re T. L. Nadeau, Iberville.—Div. payable April 21; Kent & Turcotte, curator.

Cadastre Deposited.

Part of registration division of county of Argenteuil; viz.: township and gore of Grenville, township of Harrington, village of Grenville and municipality of Mille Isles. Hypothecs to be renewed within two years from 26th April instant.

GENERAL NOTES.

En commençant l'examen d'une question, on prend ordinairement le ton dogmatique, parce qu'on est décidé en secret; mais la discussion réveille l'objection,—et tout finit par le doute.—*Xavier de Maistre,* "Voyage autour de ma Chambre."

One of the most characteristic remarks ever heard from a Welsh witness was elicited in the course of a recent trial. The witness, after answering a question in chief, blandly inquired of the examining counsel, "Have I said right?"—*Irish Law Times.*

UN NAIN JURÉ.—L'ouverture de la deuxième session de février à la Cour d'assises de la Seine a présenté une particularité. A l'appel du nom de l'un de MM. les jurés, on a vu s'avancer un enfant; le premier moment de surprise passé, et en y regardant de plus près, on a reconnu que l'on était en présence d'un nain, mais d'un vrai juré; M. Louis-Jean-Baptiste Gelin est âgé de trente-trois ans, sa taille mesure un mètre sept centimètres; il a jusqu'ici consacré son temps à des travaux littéraires.—*Gazette du Palais.*

An attorney was struck off the Roll seven years ago on being sentenced to six months' imprisonment for having obtained a small sum of money from a poor woman on the pretext that she was in his debt for costs, which in reality she had not incurred. The Queen's Bench Division have been asked to restore him to the Roll, the Brighton solicitor to whom for some years since he had been managing clerk, giving him an excellent character, and a number of Town Councillors, Poor Law Guardians, and other residents in Brighton having signed a memorial in his favour. The Incorporated Law Society opposed the application, their counsel maintaining that the applicant had acted with cruelty and heartlessness towards the woman. After conferring with Mr. Justice Stephen, and with his concurrence, Mr. Justice Grove refused the application on its merits, adding that he was much impressed by the opposition of the Incorporated Law Society, who were in a sense the guardians of the character and honour of the profession. There might be occasional exceptions, but as a general rule it ought, he said, to be known that a man once struck off the Roll is not to be restored to it.

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