DANSEREAU VS. PACAUD.

AN interesting case was decided in the Supreme Court of Quebec about a week ago. The following is the report:

DANSEREAU VS. PACAUD. On the 19th January, 1877, the plaintiff sued defendant for the sum of $486.75, price of goods sold and delivered, and covered by a promissory note, and he asked also for the imprisonment of defendant under a clause of the insolvent law, then in force. The demand for imprisonment was based substantially upon the following allegations: That defendant had purchased the goods on credit, knowing himself to be insolvent and unable to meet his payments; that he had fraudulently concealed his financial condition from the plaintiff, and that shortly before making the purchase, and at a time when he was insolvent, he had entered into a contract of marriage, and transferred to his intended wife by the marriage contract the whole of his available assets. By the plea the defendant denied the charge of fraud, and practically admitted the existence of the debt. Since the filing of the plea in question, the defendant had left his domicile in the province of Quebec. On the 8th of May last plaintiff sued out interrogatories upon articulated facts, returnable on the 14th May, at which date the case was inscribed for enquete and merits. The writ was served at the office of defendant's attorneys, the bailiff alleging that after making search he could not find that defendant resided within this province. The questions put to defendant in the interrogatories comprised those relating to the existence of the debt, and to the fraudulent practices of defendant at the time of making the purchase. The defendant made default to answer interrogatories, and plaintiff now moved that they should be held to be admitted. As a general rule such a motion would be granted as a matter of course, but His Honor was of opinion that a distinction must be made between the questions relating to the existence of the debt and those relating to the alleged fraudulent practices of the defendant. No witness can be compelled to answer any question which might subject him to a criminal prosecution. His Honor was clearly of opinion that if the defendant had appeared as commanded by the writ, he could have refused to answer such of the questions as would subject him to imprisonment. It was true that if the questions had been answered by him without objection, the answers would constitute legal evidence. Was the court then to assume that upon defendant's default to appear, he was to be considered as waiving any objection which he might have to the questions? His Honor thought that he could not adopt that view in this case, in which the defendant might be presumed to be in complete ignorance of the proceedings. The writ commanded him to appear and answer. The law presumed that it had been served upon him. In absenting himself he was refusing to answer just as much as if he appeared and refused. The court, therefore, held the interrogatories pro confessis only in so far as they established the existence of the debt, for which judgment was rendered with costs, but without any condemnation to imprisonment.

FAILURES IN THE PAST SIX MONTHS.

According to R. G. Dun & Co., the failures in the second quarter of 1894 were 2,734, against 3,199 last year, and the amount of liabilities in commercial failures only was $37,595,973, against $63,982,179 in the first quarter of the year, and $121,541,239 including all reported in the second quarter of last year. There is a heavy decrease in manufacturing liabilities, $13,421,124, against $27,954,978 in the first quarter, and also in trading liabilities, $18,585,792, against $33,760,186 in the first quarter. Thus in the important classes the commercial failures show a most encouraging improvement during the second quarter, though the half yearly return is large.

The aggregate for the half year, 7,031 commercial failures with $101,578,153 liabilities, has not been surpassed in the first half of any year except the last. There was a great decrease in banking failures, which numbered only 63, with liabilities of $13,184,461, and in railroad receiverships, which numbered 17, with $46,800,595 indebtedness exclusive of stock. Failures during the week have been 181 in the United States, against 334 last year, and 34 in Canada, against 23 last year, with no important disaster as yet since the new half year began.

LOW-PRICED ENGLISH OIL CLOTH.

Low priced English oilcloth will again be imported under the new tariff. Jno. Macdonald & Co. announce that they have a shipment on the way. They will also have a full line of all other qualities of floor and table oilcloths and of linoleums.

A cheap line of printed hemps is perhaps the most sightly line of this kind ever offered. Their fall stock of hemps is being opened up.

In fall carpets the light colorings will still predominate, although perhaps not to quite the same extent as before. No decided liking is shown so far in fall orders for either small or large patterns. The orders have covered both styles and also those of a medium character.