are easily found, and are an edifying illustration of the principle, that although it be ignored, the law of cause and effect does not cease to play. In the long run, the bench and the bar become what the candidates for admission to the bar please. Yet, since it is a part of a lawyer's business to have the end in view from the beginning, it is well to try to pass the critical incident of entering the bar upon a plan that is worth working upon to the end."

NOTES OF CASES.

SUPERIOR COURT.

MONTREAL, April 8, 1881.

Before RAINVILLE, J.

EX parte ROSE DELIMA PAGÉ, Petitioner for *certiorari*.

Quebec License Act—Amendment of 1879 *is applicable to restaurants.*

PER CURIAM. The petitioner was convicted of having, from eleven of the clock in the evening of Saturday, the 13th November, 1880, until Monday following at five in the morning, neglected to keep shut the bar of a certain restaurant, then kept by her, on St. Catherine street, in the City of Montreal, contrary to the License Act, 1878.

She complains of this conviction on the ground that the Act in question had been repealed, so far as concerned the offence in question, by the Quebec Act of 1879, 42 & 43 Vict. cap. 4, s. 1.

We are informed that the conviction was based upon the Act of 1878, on the ground that so far as the petitioner was concerned, the law had not been changed. The Statute of 1879, in its preamble, refers only to taverns, but the enacting clause is in these words:

"Every person licensed or not licensed to sell by retail, in quantities less than three half-pints, in any city, town or village whatsoever, spirituous liquors, wine, beer, or temperance liquors, shall close the house or building in which such person sells or causes to be sold, or allows such liquors to be sold, on any and every day of the week, from midnight until five o'clock in the morning, and during the whole of each and every Sunday in the year, &c."

It is evident that the preamble of this Act does not refer to restaurants, but to taverns; but the enacting clause has no such limitation, but refers to houses or buildings generally, in which liquor is sold. Is the enacting clause to be limited by the preamble? Dwarris on Statutes, says, p. 655: "The preamble to a statute usually contains the motives and inducements to the making of it; but it also has been held to be no part of the statute." So also pp. 656, 657, 658.

The conclusion, therefore, is that the enacting clause should prevail, and this being the case, no offence was committed between 11 and 12 on Saturday night as charged, and the conviction should therefore be quashed.

Conviction quashed.

Augé for petitioner.

Et.lier for the City.

SUPERIOR COURT.

MONTREAL, April 28, 1881.

Before TORRANCE, J.

MONTPETIT v. PELADEAU.

Deposit—Proof—Interrogatories on faits et articles—Division of answer.

The aveu of the party may be divided when part of the answer is improbable, or invalidated by indications of bad faith.

This was an action to recover from the defendant $100 alleged to have been confided by plaintiff, through Mlle. Sophie Jobin, to defendant, to be deposited in the Savings Bank in the name of plaintiff. The complaint was that defendant had converted this sum to his own use, paid interest on it for two years, and no more. There was a second count setting up a loan to defendant. The plea was the general issue.

PER CURIAM. The first witness examined was Peladeau himself. He says that on the 26th February, 1875, he received from Mlle. Jobin the sum of $100 to deposit in her name in the Savings Bank, and he had returned it to her, save $2 and a few cents. The entry was made in the Bank book, produced as plaintiff's exhibit number one. He further on explains that the deposit was made in his own name, as he had deposited before. He drew it out the following day at the request of Mlle. Jobin, who wanted it. Further on he is asked if a short time before the death of Mlle. Jobin, she had not asked him, in presence of Mlle. Denault, if the money was still in the bank in the name of plaintiff.