

the jurisdiction of the Court from which it issued.—*Re Lebœuf & Viaux.*

A guardian of cattle and hay seized simultaneously, under the same writ, has a right to use the hay for feeding the cattle, even although it be afterwards proved that the cattle did not belong to the defendant.—*Johnson v. O'Halloran.*

LIBEL—MIXED JURY.

Where, to obtain six jurors speaking the language of the defence (English) the list of jurors speaking that language was called, and several were ordered by the Crown to stand aside; and the six English speaking jurors being sworn, the clerk re-commenced to call the panel alternately from the lists of jurors speaking the English and French languages, and one of those previously ordered to "stand aside" was again called, the previous "stand aside" stood good until the panel was exhausted by all the names on both lists being called.—*The Queen v. Dougall.*

INSOLVENCY.

The giving of notice, required by section 105 of "The Insolvent Act of 1869," does not include the necessity of notice to each individual creditor required by section 117.—*In re Starke & Shaw.*

An assignee, under an assignment to him by an insolvent for the general benefit of his creditors, *not made under the provisions of The Insolvent Act*, has no quality to sue in his own name for anything connected with such assignment.—*Prevost et al. v. Drolet.*

PARLIAMENTARY ELECTION.

An election held on illegal voters' lists will be set aside, notwithstanding that the petitioners themselves fail to prove that they were legally entitled to petition.—*Caverhill et al. v. Ryan.*

UNITED STATES REPORTS.

SUPREME COURT OF ILLINOIS.

LANGABER v. FAIRBURY, PONTIAC & N. W. R. R. COMPANY.

Issuing Injunctions on Sunday.

1. *Held*, that in certain case a bill in chancery may be filed, and an injunction issued and served on Sunday.

2. **COURTS ON SUNDAY ANCIENTLY.**—That anciently courts of justice did sit on Sunday; that the early Christians of the sixth century and before used all days alike for the hearing of cases, not sparing Sunday itself; but in the year 517 a canon was promulgated exempting Sundays, and other canons were afterwards adopted exempting other days, which were all adopted by the Saxon kings, and all confirmed by William the Conqueror

and Henry the Second, and in that way became a part of the law of England; that by these canons other days were declared unjudicial, as the day of the purification of the Blessed Virgin Mary, the feast of the Ascension, the feast of St. John the Baptist, and All Saints and All Souls days. These were as much unjudicial days as Sunday, yet the most devoted admirer of the common law would not hesitate to say that the proceedings of a court of justice in this State on either of those days would be valid.

Opinion by BREESE, J.

This was a bill in chancery in the Livingston Circuit Court, praying for a writ of injunction to restrain the Fairbury, Pontiac & North-Western Railway Company from taking possession of one of the principal streets (Walnut) in the incorporated town of Fairbury, for the purpose of grading, tying and ironing the same for the track of their railroad. The bill is filed by a large property owner on the street to be taken by the railway, and it alleges that the company, immediately after twelve o'clock of the night of Saturday, with a large force of men had taken violent possession of the street, for the express and avowed purpose of finishing their track through its entire length before the next Monday morning, and that they had selected Sunday for the work for the express purpose of evading an injunction, and avoiding the process of court, and for the purpose of obtaining and holding the street without paying for it, or the damages thereby occasioned to the property owners upon it. That the company has not paid or offered to pay anything to any person injured by the proposed occupancy of that street, nor taken any steps or measures to estimate the damages, or have the same assessed in pursuance of law. It is also alleged the company is wholly insolvent, and if it is permitted to take possession, control and use that street for the purpose of operating their trains over the same, without paying complainant the damages he will sustain in consequence thereof, he will be without remedy in the premises, and will absolutely lose at least one-half the value of his property in consequence thereof, and that the grading for railway purposes will greatly injure the street and complainant's property, and unless the company, the contractors and their agents and servants are restrained by injunction issued forthwith, the road will be finished through the street to-day, Sunday, and that the company and its contractors are doing the work on this day, Sunday, in order to avoid paying complainant his damages, and to defraud him out of the same, which they will accomplish successfully unless immediately enjoined by process of the court.