

divers times, since that time, abuse, lie with and carnally know her." The Declaration then went on to allege that Defendant became the father of a child by the Plaintiff, and concluded as in an action of damages for seduction and *en déclaration de paternité*.

The Defendant met this action by two demurrers—by the first of which he prayed the dismissal of the action, on the ground that the allegations of the Declaration amounted to an allegation of felony, and it was not alledged that criminal proceedings had been had thereon, and by the second he likewise prayed for the dismissal of the action on the ground that a *filie majeure* could not bring an action of damages for seduction.

*McCrae*, in support of demurrers, cited *Lamothe v. Chevalier* in support of the former.

*Doherty*, contra.

*Day, J.*, The Declaration in this case is expressed in terms of rather an extraordinary character; but the Court does not think that the allegations amount to the allegation of a felony. With regard to the other demurrer the action is *en déclaration de paternité*, as well as for damages for seduction and the demurrer is general. Both demurrers must therefore be dismissed, but perhaps the Plaintiff will find that the absence of all allegation of any promise of marriage on the part of Defendant will preclude him from recovering damages.

*Demurrers dismissed.*

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No. 961.

*Lynch v. Papin.*

INFORMATION.—ELECTION OF CITY COUNCILOR.—EXCEPTION A LA FORME.

*P. had been elected as councillor to represent a ward in the City of Montreal; L. pretended that election of P. was illegal, and that he L. ought to be declared duly elected councillor, and brought his action by requête libellée, and judges order in consequence. Held, that Writ of Summons, and not Order of Court, was the way to bring Defendant before the Court, in order to answer the double demand of Petitioner.*

This was a proceeding by *Requête Libellée*, under the 12 Vic., c. 41, and the 14 & 15 Vic., c. 128, to oust the Defendant from the office of a City Councillor for the St. Mary's Ward, in the City of Montreal, and to declare the Plaintiff or Informant to have been duly elected. The Petitioner alledged that Defendant was incapable of being elected a Councillor at the election referred to in *requête*, because he had not been a resident householder within the city during the twelve months previous. The conclusions of the *requête* were in the following terms, "that said Joseph Papin be ordered to show by what authority he exercises said office of Councillor of and for St. Mary's Ward, in and of this City of Montreal, and that an order do issue according to law, to compel the appearance of said Joseph Papin in