and the foal having been dropped while plaintiffs were such owners and entitled to the possession of the mare, the colt was their property,—"*Partus sequitur ventrem.*"

Gregory for appellant.

Wetmore, Q.C., for respondents.

COURT OF QUEEN'S BENCH.

MONTREAL, January 25, 1881.

DORION, C.J., MONK, RAMSAY, CROSS, BABY, JJ.

FLETCHER (plff. below), Appellant, & THE MUTUAL FIRE INSURANCE CO. FOR STANSTEAD & SHERBROOKE COUNTIES (defts. below), Respondents.

Procedure—Motion in arrest of judgment to be made before Court of Review.

The appeal was from a judgment of the Superior Court, at Sherbrooke, granting a motion for a new trial.

The action was brought for $800, amount of respondent's policy, and the case being tried before a special jury, the appellant obtained a verdict for $600.

The respondents then gave notice of three motions, one asking for a new trial, a second in arrest of judgment, and the third for judgment *non obstante veredicto*.

The second of these motions—that in arrest of judgment—was presented to the Superior Court at Sherbrooke, and was granted. It was from this judgment that the present appeal was taken. (The other two motions, according to the notice, were to be presented before the Court of Review at Montreal).

The appellant, among other grounds, contended that the Court, consisting of one judge, could not legally adjudicate upon a motion in arrest of judgment.

The appeal was maintained, and the judgment reversed unanimously. The judgment reads as follows:—

"Considering that under Art. 423, C.C.P., as amended by 34 Vict. ch. 4, sect. 10, and by 35 Vict. ch. 6, sect. 13, and under the provisions of Art. 424, all motions for new trial, for judgment *non obstante veredicto*, and in arrest of judgment, must be made before three Judges of the Superior Court sitting in Review, and that a single Judge sitting in the Superior Court had no jurisdiction to hear and adjudicate on the motion in arrest of judgment made in this cause;

"And considering further that the said motion in arrest of judgment is not based on any of the grounds for which a motion in arrest of judgment can be made;

"And considering that there is error in the judgment rendered by the Superior Court sitting at Sherbrooke on the 20th of November, 1878;

"This Court doth reverse the said judgment of the 20th November, 1878, and doth reject the said motion in arrest of judgment, and doth condemn the respondents to pay to the appellant the costs incurred as well on the said motion as on the present appeal, and the Court doth order that the record be remitted to the Court below, in order that such further proceedings may be had as to justice may appertain."

Judgment reversed.

Ives, Brown & Merry for appellant.

Brooks, Camirand & Hurd for respondents

COURT OF QUEEN'S BENCH.

MONTREAL, January 27, 1881.

DORION, C. J., MONK, RAMSAY, CROSS, BABY, JJ.

THE CORPORATION OF THE VILLAGE OF VERDUN (plff. below), Appellant, and LES SŒURS DE LA CONGREGATION NOTRE DAME DE MONTREAL (defts. below), Respondents.

Art. 712, Municipal Code—Exemption from Taxation—Religious and Educational Institutions—Property not possessed solely to derive a revenue therefrom.

The appeal was from a judgment of the Superior Court, Montreal, Johnson, J., Dec. 20, 1878, which will be found reported in 1 Legal News, p. 619.

The question was whether the respondents' property, Ile St. Paul, was exempt from municipal and school taxes.

Exemption was claimed under Art. 712, Municipal Code, which reads as follows: "The following property is not taxable: 3. Property belonging to *fabriques*, or to religious, charitable or educational institutions or corporations, or occupied by such *fabriques*, institutions or corporations for the ends for which they were established, and not possessed solely by them to derive a revenue therefrom."