

The motion was refused, on condition of appellants adding the sum of \$100 within a delay of fifteen days.

TARTE, Appellant, & CIMON, Respondent.

Quebec Election Act—Action for penalty under 37 V., c. 9, s. 92—Allegation of more than one infraction of the law.

Two motions were presented, for leave to appeal from two judgments, one dismissing an *exception déclinatoire*, and the other an *exception à la forme*.

The action was instituted at Quebec for corrupt practices at an election, under 37 Vict., cap. 9, sect. 92.

It was urged that the offence was a *délit*, and that it could only be prosecuted where it took place, viz., in the District of Saguenay, and in a Criminal Court (sect. 109).

The motion was rejected, there being two modes of procedure, one for the misdemeanor, punishable as all misdemeanors at common law by fine and imprisonment; the other a penalty, to be recovered by an action of debt.

The point of the *exception à la forme* was that the declaration set up numerous infractions of the law, which are set forth in the statute under the disjunctive.

The Court rejected the motion as to the *exception à la forme*, on the ground that they were varieties of the same offence.

A similar decision was rendered recently in the case of *Valin & Raymond*.

QUEBEC, June 4, 1880.

SIR A. A. DORION, C. J., RAMSAY, TESSIER,  
CROSS, JJ.

Ex parte DEENAN, for writ of *certiorari*.

Bail where prisoner had previously fled the country.

A true bill was found against the prisoner in the term before the last, at Quebec. The trial was deferred till the following term, and it was agreed that the prisoner should be admitted to bail. He was allowed to go to fetch his bail; but he failed to return, and left the country.

During the last term, it seems, he purposed to surrender, and returned to Canada, not aware that the term was at an end. He was arrested and committed to gaol.

He now asked to be allowed to stand out on bail.

The Court did not think it would be proper to bail a prisoner who had already fled, and the application was, therefore, refused. The Court was, however, of opinion that the prisoner should be tried at Quarter Sessions at its next term in April, and intimated that on an application to bail after that term, should the prisoner not have been tried then, he would probably be admitted to bail.

QUEBEC, June 4, 1880.

SIR A. A. DORION, C. J., MONK, RAMSAY, TESSIER,  
CROSS, JJ.

PACAUD, Appellant, & CORPORATION OF VILLAGE OF PRINCEVILLE, Respondent.

Appeal from interlocutory judgment—Inscription *ex parte* on merits, before judgment is rendered on preliminary plea.

Motion for leave to appeal from judgment setting aside plaintiff's inscription for *enquête*.

The action was met by an *exception à la forme* turning on a matter of record only. The plaintiff demanded defendant's pleas to the merits. The defendant did not plead, and was foreclosed. The plaintiff then inscribed for *enquête ex parte*.

The motion was to set aside this inscription, because the preliminary plea should be disposed of before the case on the merits. It was also contended that the inscription *ex parte* was irregular, for the *enquête* should have been general.

The Court intimated that the inscription appeared regular (Tessier, J., doubtful), and the appeal was allowed.

QUEBEC, June 5, 1880.

SIR A. A. DORION, C. J., MONK, RAMSAY, TESSIER,  
& CROSS, JJ.

DUQUETTE v. BROCHU.

Appeal from Circuit Court—Application to give security after the fifteen days.

In order to be admitted to give security after the expiry of fifteen days, the party must show, not only that the failure to give security in time was due to no fault attributable to him, but that he persisted in his intention to appeal at the earliest opportunity.

A petition was presented on the part of