

The Legal News.

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The judgment of the Court of Review in *Jetté v. Crevier*, reported in the Montreal Law Reports, 6 S.C. pp. 48-68, presents a careful examination of the question involved, viz., whether interest accruing under a judicial condemnation is included in Art. 2250, C.C., which declares that "with the exception of what is due to the Crown, all arrears of interest, and generally all fruits natural or civil, are prescribed by five years." The Court of Review, Justices Loranger, Wurtele and Davidson, arrived at a unanimous conclusion in the affirmative, and that result is supported by the text of the article cited. On the other hand, three learned judges, Taschereau, Gill and Cimon, J.J., each sitting alone, came to the conclusion that the interest is part of the judicial condemnation, and comes under Art. 2265, which says "any judicial condemnation constitutes a title which is only prescribed by thirty years." One of these decisions, *Nantel v. Binette*, is reported in 12 Leg. News, 345. The judgment of the Court of Review has the additional weight of a later opinion formed by three judges with the advantage of mutual consultation; but in view of the conflict noted above it is satisfactory to learn that the question will be submitted to a higher Court. Incidentally it may be remarked, this case may be commended to the notice of those who look confidently to a Code to make all things certain in the law. Our codifiers had the advantage of knowing that a similar difficulty had arisen in France under the Code Napoléon, yet, with that before them, they did not succeed in making the law so plain as to prevent six learned judges from being equally divided.

The relative position of directors and shareholders in some companies is illustrated by the following anecdote; if the "shareholder" profits by the lesson taught him, he may find that his lost halfpenny was a profitable investment:—"Two small boys

passing along the road approached a tobacconist's shop, whereupon the younger said to the taller and older lad: 'Say, Bill! I've got a ha'penny, and if you've got one too we'll have a penny smoke between us.' 'Certainly,' acquiesced Bill, and handed over his copper. Tommy vanished into the shop, and shortly reappeared with a penny 'Pickwick' in his mouth and emitting clouds of smoke. Away walked the lads together for some time, then the taller boy asked: 'Say, Tommy, ain't I going to have a puff. The weed is half mine?' 'Oh, you shut up, Bill,' was the answer; 'I'm chairman of this company; you are only a shareholder. You can spit.'"

COURT OF QUEEN'S BENCH —
MONTREAL.*

Quebec Election Act, 38 Vict. ch. 7, s. 272—Misc en cause—Quebec Controverted Elections Act, 38 Vict. ch. 8—Jurisdiction of Court of Review.

At the trial of the election petition against the return of a member to represent the County of Laprairie, in the Quebec legislative assembly, evidence was given that the appellant had committed acts of bribery and corruption at the election, whereupon he was summoned, under sect. 272 of the Quebec Election Act of 1875, to appear and answer the charges made against him. He appeared, denied the charges, went to evidence, and the case being heard before the Superior Court sitting in Review, as a Court of first instance, under the Controverted Elections Act of 1875, he was found guilty of two cases of corrupt practices at the election, and condemned to pay a fine of \$200 for each offence, with costs and imprisonment, in default of payment.

Held:—(Reversing the decision of the Court of Review, M.L.R., 6 S.C. 102), 1. That the Quebec Election Act of 1875 confers no authority upon the Superior Court sitting in Review, to enquire into and determine any charge of corrupt practices against the provisions of the Act; the only authority con-

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