

La Cour a rejeté cette motion comme suit :

"Considering that the judgment makes no restrictions as to what costs should be paid; and that it is to be presumed that the creditors petitioners made a demand for their property, before taking proceedings, and that the petition on which the judgment is based was a useful necessary proceeding to enforce their rights;

"Considering that such petitions have been in some cases assimilated to oppositions, and that the present petition is very much the same as an ordinary action in revendication;

"Considering that the Mr. Deputy Prothonotary Plourde made no error in applying article 19 instead of article 39 of the tariff of this Court;

"Doth dismiss petition with costs".

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Autorités: *Moreau v. Vézina et Auger* [1902] 4 R. P. 380;—*Brothers v. Desmarteau et Dame Thérien* [1904] 6 R. P. 484.

DEMERS v. CHARLEBOIS.

Louage des choses—Saisie-gagerie en expulsion—Réparations—Mise en demeure—Preuve par témoins—Compensation—Offres réelles—Frais—C. civ., art. 1163, 1188, 1233.

M. le juge Lamothe.—Cour supérieure.—No 2836.—Montréal, 10 avril 1916.—C.-A. Hétu, avocat du demandeur.—J.-N. Décarie, avocat du défendeur.