

The appellants in each case must pay the costs of the appeal.

Appeal dismissed.

W. H. Kerr, Q.C., Counsel for the Appellants.

C. A. Geoffrion, Q.C., Counsel for the Respondent.

COURT OF QUEEN'S BENCH—
MONTREAL.*

Pleading—Misnomer—45 Vict. (D.) ch. 23, s. 20—Commercial Companies—Proceedings against company after order for liquidation.

Held:—1. A misnomer is ground for an exception *à la forme*, and cannot form the subject of a plea to the merits,—more particularly where the error complained of is trivial and unimportant, *e. g.*, the description of the defendant as "La Corporation des Commissaires d'école d'Hochelaga" instead of "Les Commissaires d'école d'Hochelaga."

2. The Act 45 Vict., ch. 23, (D.) applies to incorporated commercial companies, the *erratum* distributed by the Queen's Printer with the statutes, which supplied an omission in section one, forming an integral part of the Act in question.

3. Under section 20 of said Act, when a winding-up order has been made, no proceeding can be taken against the company in liquidation without the permission of the Court, and therefore in the present case the immoveables of the company could not be sold in ordinary course for school taxes without such permission.—*La Corporation des Commissaires d'École d'Hochelaga*, appellant, and *Montreal Abattoirs Co.*, respondent; Dorion, Ch. J., Tessier, Cross, Baby, JJ., Feb. 22, 1887.

Sale à réméré—Term—Notice—Mise en demeure—Chose Jugée.

Held:—1. Where a property was sold, and the purchaser bound himself to re-convey it to the vendor within three months from the time he (the purchaser) should have completed a house then in course of construction thereon, on being paid \$3,000,—that it was the duty of the purchaser to notify the vendor

of the completion of the house; and, in default of such notice, the right of redemption might be exercised by the vendor after the expiration of the three months.

2. The exception of *chose jugée* cannot be pleaded where the conclusions of the second action are materially different from those of the first. And so, where by the first action the plaintiff sought to exercise a right of redemption without complying with the conditions agreed on, it was held that the dismissal of such action was not *chose jugée* as regards an action brought subsequently, offering to comply with the conditions. *Leger*, Appellant, and *Fournier*, Respondent, Dorion, Ch. J., Tessier, Cross, Baby, JJ., Dec. 31, 1886.

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Aug. 6.

Judicial Abandonments.

L. Polydore Gagnon, trader, St. André.

Curators appointed.

Re J. M. Duval, St. Antoine.—L. N. Paquet, Rivière du Loup Station, curator, July 28.

Re Nazaire Garon, Notre Dame de Sacré Cœur.—Kent & Turcotte, Montreal, curator, August 2.

Re J. B. Phénix, St. Théodore d'Acton.—J. O. Dion, St. Hyacinthe, curator, July 30.

Dividends.

Re C. Berthiaume & Cie., hatters and furriers.—Dividend, Seath & Daveluy, Montreal, curators.

Re Louis Lamontagne, wood and coal dealer, Ste. Cunégonde.—Dividend, Seath & Daveluy, Montreal, curator.

Separation as to property.

Delphine Charest vs. Louis Bisson, tailor, Montreal. August 2.

Caroline Brien dit Lapierre vs. Alexandre Sigouin plumber, Montreal. August 2.

Appointments.

J. B. Resther, architect, Alfred Perry, underwriter, and F. X. Berlinguet, architect, to be official arbitrators of the Province.

GENERAL NOTES.

Lord Coleridge was much exercised some time ago on learning, for the first time, that no means exist for giving effect to a judgment of the House of Lords but a motion in the court below. The motion which the Chief Justice has carried without opposition in the Upper House, remedies this defect by providing that the judgments of the House shall in future be formally notified to the courts which are affected by them. This we presume means that henceforth, when a judgment of the Court of Appeal is reversed, judgment will thereupon be finally entered in that court in accordance with the decision of the House of Lords, without further expense to the parties. It is highly characteristic of the haphazard way in which our national institutions get into shape, that this result has only been reached at the present date.—*Law Times.*

* To appear in Montreal Law Reports, 3 Q.B.