

15 January, 1895.

Quebec.]

ANGUS v. THE UNION GAS AND OIL STOVE CO.

*Patent of invention—Business agreement to manufacture under—
Letter of guarantee—Failure of scheme—Liability of guarantor.*

The chief object of an agreement between A. and B. was the profitable manufacture and sale of wares under a patent of invention issued to A., and in consideration of advances by B. to the amount of \$6,600, C. by a letter of guarantee "agreed to become a surety to B. for the repayment of the \$6,000 if within 12 months from the date of the agreement it should transpire that (if) for the reasons incorporated in said agreement, it should not be carried out." On an action brought by B. against C. for \$6,000 it was proved at the trial that the manufacturing scheme broke down through defects of the invention.

Held, affirming the judgment of the Court below, that C. was liable for the amount guaranteed by his letter.

Appeal dismissed with costs.

Martin & Gilman for appellants.

Greenshields, Q.C., for respondent.

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WEBSTER v. CORPORATION OF SHERBROOKE.

Quebec License Laws—55 & 56 Vic. ch. 11, sec. 26—City of Sherbrooke Charter—55-56 Vic. ch. 51, sec. 55—Powers of taxation.

By virtue of the first clause of a by-law passed under 55-56 Vic., ch. 51, an act consolidating the charter of the City of Sherbrooke, the appellant was taxed five cents on the dollar on the annual value of the premises in which he carried on his occupation as a dealer in spirituous liquors and in addition thereto, under clause three of the same by-law, was taxed a special tax of \$200 also for the same occupation. The act 55-56 Vic., ch. 51, provides at the end of subsection "g" enumerating the kinds of taxes authorized to be imposed: "the whole, however, subject to the provisions of the Quebec License Act." The Quebec License Act, Art. 297 R. S. Q. limits the powers of taxation for any municipal council of a city to \$200 upon holders of licenses.

Held, affirming the judgment of the Court below, (Q. R., 3 Q.