

The Legal News.

VOL. IV. FEBRUARY 5, 1881. No. 6.

APPEAL BUSINESS.

The statistics of the business before the Court of Queen's Bench sitting in appeal, for the year 1880, contain some figures of interest. It appears that the total number of appeals in civil matters during the year for the District of Montreal was 150, of which 148 were from judgments of the Superior Court, and 2 from judgments of the Circuit Court. The districts from which the appeals came are as follows:—Montreal 122; Ottawa 7; St. Francis 9; Richelieu 3; Bedford 4; St. Hyacinthe 3; Iberville 2. There were also 3 criminal cases. The number of judgments rendered in 1880 was 116; 87 confirmed and 29 reversed.

At Quebec the total number of judgments rendered was 69; 45 being confirmations and 24 reversals.

The following table shows the totals:—

Civil Cases, Montreal.

S. C.	Confirmed 85
	Reversed 26
C. C.	Confirmed 2
	Reversed 3

Total 116

Civil Cases, Quebec.

S. C.	Confirmed 40
	Reversed 22
C. C.	Confirmed 5
	Reversed 2

Total 69

Criminal Cases, Montreal.

Confirmed 3

Criminal Cases, Quebec.

Confirmed 1

Under the head of judgments confirmed are included all cases where the judgment is reformed without the respondent being condemned to pay costs; and under judgments reversed are included reversals of decisions in Review, though the original judgment is restored.

We will give in another issue an alphabetical table of all the judgments rendered in the District of Montreal during 1880, with the result.

RIGHTS OF LESSEES.

An interesting question relating to the rights of lessees, where the premises leased are sold by sheriff's sale during the term of the lease, has recently been much discussed before the Superior Court. Two decisions on the subject have been rendered by the same judge. In *Desjardins v. Gravel*, (noted at p. 39) Mr. Justice Papineau held that the lessee has no right to make an opposition *a fin de charge* to a sale under execution; and in another case of *McLaren v. Kirkwood*, noted in the present number, the same Judge has granted a summary petition for a writ of possession, presented by the purchaser at sheriff's sale, for the expulsion of the tenant before the expiration of his lease. The latter case was very fully argued by Mr. Bethune, Q. C. for the petitioner, and by Mr. Kerr, Q. C., for the tenant, and the judgment contains an elaborate examination of the law. The argument and the judgment are to appear in full in the *Jurist* reports. The decision in the first case does not seem to admit of much doubt, but the question presented in *McLaren v. Kirkwood* is one of greater difficulty, and it is to be regretted, perhaps, that it is not to be discussed at present in a higher court, no appeal having been taken from Judge Papineau's decision.

COURT OF QUEEN'S BENCH.

MONTREAL, December 21, 1880.

DORION, C.J., MONK, RAMSAY, CROSS & BABY, JJ.

THE QUEEN v. LEVI ABRAHAMS.

Obtaining money by false pretences—Several counts in indictment—Power of Attorney-General to delegate authority to present indictment to Grand Jury.

This was a case reserved by the Chief Justice at the September (1880) term of the Court of Queen's Bench, Crown side, at Montreal.

The defendant, Levi Abrahams, was indicted for obtaining money by false pretences. The indictment contained four counts. By the first count the defendant was charged with having obtained by false pretences, \$20 from one Thomas Preddy. By the second he was charged with having obtained \$20 from one James Heaton. By the third, with having obtained \$10 from Thomas Preddy. And by the fourth, with having obtained \$10 from