

These notes are of special importance, as the Judicial Committee has declared the Court appealed from to be the sole authority to decide questions of procedure, such as the giving of security in appeal, preliminary to the introduction of the appeal in the Registrar's office, in England. The third appendix is a double alphabetical table of the cases reported in the volume.

This brief indication of the contents is sufficient to show the great usefulness of the work. Of course, more than a local circulation must be counted on to repay the very considerable expense of a volume comprising about a thousand pages. We are not aware that so comprehensive an undertaking has ever before been attempted, and it is brought down to the latest date. Mr. Beauchamp has brought both zeal and experience to his task, and has deserved the best thanks of the profession.

COURT OF QUEEN'S BENCH—
MONTREAL.*

Building Society—Liquidation—Resolution to wind up—Resolution cancelling vote to wind up.

Held:—That where a building Society has passed a resolution to wind up and liquidate the business of the Society under R. S. Q. 5455, and liquidators have been appointed to carry out and give effect to the resolution, and the liquidators have prepared a dividend sheet accordingly, the contract binding the members of the Society is by such entrance into liquidation dissolved, and cannot be resuscitated without the unanimous consent of its former members; and a resolution passed by a majority vote at a subsequent meeting, resolving that the Society shall continue its business, is null and of no effect. *Larivière et al. & La Société Canadienne-Française de Construction de Montréal*, Dorion, C. J., Tessier, Cross, Bossé, Doherty, J.J., May 21, 1890.

Action en bornage—Settling the boundaries—Art. 504, C.C.—Procedure—Costs.

Held:—1. In an action *en bornage* the

* To appear in Montreal Law Reports, 6 Q.B.

Superior Court cannot order a surveyor to place landmarks to define and separate the respective properties of the parties without at the same time settling the boundary line between the properties and the points where the landmarks shall be placed. A surveyor appointed by the Court before the boundary line is settled is only an expert whose office is to report on the locality and indicate where, in his opinion, the boundary line should be drawn, for the guidance of the Court in settling the boundaries.

2. Under Art. 504, C. C., not only the costs of settling boundaries should be common to the parties, but also the costs of the suit when it is not contested. Only in case of contestation are the costs of the suit in the discretion of the Court. *Desvoeux dit Laframboise & Tarte dit Larivière*, Dorion, C. J., Tessier, Cross, Bossé, Doherty, J.J., May 21, 1890.

HOUSE OF LORDS.

MAY 8, 1891.

Coram LORD HERSHELL, LORD MACNAGHTEN,
and LORD HANNEN.

In re GORTON. DOUSE v. GORTON, (26 L.J.N.C.)

Executor—Carrying on Testator's Business—Creditors at Trustee's Death—Subsequent Creditors—Executor's Right of Indemnity.

When executors carry on their testator's business, creditors who were creditors of the testator's death are entitled to be paid out of the assets then existing in priority to any right of indemnity in the executors; but, as against subsequently acquired assets, their right is subject to that right of indemnity. Those who have dealt with the executors can claim against the executors only, and their claim as against the subsequently acquired assets of the testator only arises from the right of the executors to indemnity. The executors' right to indemnity arises only with regard to liabilities incurred by them as executors.

Decision of the Court of Appeal, 58 Law J. Rep. Chanc. 403, affirmed.