

waterpower and that both proprietors had, for a number of years, contributed equally towards such expenses.

*Held*, affirming the judgment appealed from, that, whether the rights so recognized constituted a servitude or a right of co-ownership in the lands upon which the constructions had been erected the plaintiffs had no exclusive right to the enjoyment thereof as against the owner of the lands although they were absolute owners of the strip of land on which the constructions had been made. Appeal dismissed with costs.

*Lafleur*, Q. C., and *Guillett* for appellant. *Belcourt*, Q. C., and *R. S. Cooke* for respondent.

Quebec.]

HONAN P. BAR OF MONTREAL.

[Oct. 24.

*Bar of Province of Quebec—Discipline—Advocates—Want or excess of jurisdiction—Irregular procedure—Domestic tribunal—Powers—Arts. 3504 et seq. R.S.Q.—58 Vict., c. 36 (Q.).*

In pursuance of statutory powers, the Bar of Montreal suspended a practising advocate after holding an inquiry into charges against him which, however, had been withdrawn by the private prosecutor before the council had considered the matter. It did not appear that witness had been examined upon oath during the inquiry, and no notes in writing of the evidence of witnesses adduced had been taken, the effect of such absence of written notes being that the appellant had been deprived of an opportunity of effectively prosecuting an appeal to the General Council of the Bar of the Province of Quebec.

*Held*, affirming the judgment appealed from (Q. R. 8 Q. B. 26) that the local Council of the Bar of Montreal had jurisdiction to proceed with the inquiry in the interest of the profession, notwithstanding the withdrawal of the charge by the private prosecutor; that a complaint in any form sufficient to disclose charges against an advocate of improperly carrying on trade and commerce and unduly retaining the money of a client, contrary to the by-laws of the local section of the bar, is a matter over which the council of the bar had complete jurisdiction; further a writ of prohibition does not lie to prevent the execution of a sentence of suspension pronounced by the council of a local section of the Bar of the Province of Quebec against a member of that section where the corporation in the exercise of its disciplinary powers had acted within the jurisdiction given to it by statute; and that the omission to preserve a complete record of the proceedings upon the inquiry of the council in the matter or to take written notes of the evidence of witnesses adduced constituted mere irregularities in procedure which were insufficient to justify a writ of prohibition. Appeal dismissed without costs.

*McDougall*, Q. C., for appellant. *Globensky* for respondent.