

year —, by A. B., in the office of the Minister of Agriculture."

Held, that the omission of the words "of Canada" in such form did not avoid the copyright, but was a sufficient compliance with the Act.

Held, also, that depositing copies of a book containing the said notice in the office of the Minister of Agriculture before the copyright has been obtained does not invalidate it after it has been granted.

App dismissed with costs.

W. Cassels, Q.C., and Walker for the appellant.

F. Arnoldi for respondent.

BEAUDET v. NORTH SHORE RAILWAY CO.

43 & 44 Vict. c. 43, s. 9 (P.Q.)—Award—Validity of—*Faits and Articles*—Art 225, C. C. P.

E. B., *et al.*, joint owners of land situate in the City of Quebec, were awarded \$11,900 under 43 & 44 Vict. c. 43, s. 9, for a portion of said land expropriated for the use of the North Shore Railway Company.

On the 12th March, 1885, E. B., *et al.*, instituted an action against the N. S. R. Co., based on the award. The Company not having pleaded, foreclosure was granted, and on 21st April process for interrogatories upon *faits* and *articles*, was issued and returned on the 26th April. The Company made default. On 18th June, the *faits* and *articles* were declared taken *pro confessis*. On 16th May, E. B., *et al.*, consented that the defendants be allowed to plead, but it was only on the 7th July that a plea was filed, alleging that the arbitration had been irregular and was against the weight of evidence.

On September 2, E. B., *et al.* inscribed the case for hearing on the merits, on which day the Railway Company moved to be authorized to answer the *faits* and *articles*, and the motion was refused. The notice of expropriation and the award both described the land expropriated as No. 1 on the plan of the Railway Company deposited according to law, but in another part of the notice it described it as forming part of the cadastral lot 2,345, and in the award as forming part of lots 2,344-345. On

the 5th December, judgment was rendered in favor of E. B., *et al.* for the amount of the award. From this judgment the Railway Company appealed to the Court of Queen's Bench, (Appeal Side), and that Court reversed the judgment of the Superior Court, holding *inter alia* the award bad for uncertainty, and that the case should also be sent back to the Superior Court to allow the defendants to answer the *faits* and *articles*.

On appeal to the Supreme Court of Canada it was

Held, (1) That there was no uncertainty in the award, as the words of the award and notice were sufficient of themselves to describe the property intended to be expropriated, and which was valued by the arbitrators.

Held, (2) That the motion for leave to answer *faits* and *articles* was properly refused. TASCHEREAU, J. dissenting.

Appeal allowed with costs.

Duhamel, Q.C., for the appellants.

Bedard, for respondents.

MACKINNON v. KEROACK.

Capias—Petition to be discharged—Judgment on—Final judgment appealable under s. 28, c. 135 R. S. C.—Arts. 819, 821, C. C. P.—Fraudulent preference—Secreting—Art. 798, C. C. P.—Promissory note discounted—Arts. 1036, 1953, C. C. (P.Q.).

A writ of *capias* having been issued against McK. under the provisions of art. 798 of C. C. P. (P.Q.), he petitioned to be discharged under art. 819, C. C. P., and issue having been joined on the pleadings under art. 820, C. C. P. the petition was dismissed by the Superior Court. From that judgment McK. appealed to the Court of Queen's Bench for Lower Canada (Appeal side), and that court maintained the judgment of the Superior Court. Thereupon McK. appealed to the Supreme Court of Canada.

On motion to quash for want of jurisdiction.

Held (TASCHEREAU, J., dissenting), that the judgment was a final judgment in a judicial proceeding within the meaning of s. 28, c. 135, R. S. C., and therefore appealable.

On the merits it was held per RITCHIE, C. J., and FOURNIER and TASCHEREAU, JJ., that