first time a distinction was established between law lords and lay lords, and it was provided that at each appeal three lords of appeal should be present, and the qualifications of a lord of appeal were fixed by declaring that he must hold, or have held, high judicial office. Before this time, if there were not three law lords present, the number was made up by lay lords, who paid no attention to what was going on, but simply were counted to make up the necessary quorum, which in the House of Lords, was three members. From 1844 until the judgment in the Bradlaugh case above referred to, no lay lord had attempted to vote, and it was thought that by implication the matter was settled in the judicature act. However, when the Bradlaugh case came from the court of appeal to the house of lords, Lord Denman voted with one law lord to affirm the judgment, while three law lords voted for reversal. It is a curious coincidence that Lord Denman, who was bred a lawyer, and is brother to a judge, is the son of one of the three law lords who voted to reverse the judgment in O'Connell's case, and of one who, at the time, strongly deprecated the intrusion of the lay lords."

NOTES OF CASES.

SUPERIOR COURT.

(In Chambers.)

MONTREAL, August 24, 1883.

Before TORRANCE, J.

LAVOIE v. GABOURY, and LEBLANC, *mis en cause.*

Controverted Elections Act, P.Q.—Procedure—Deposit.

Under the Quebec Controverted Elections Act, the filing of an answer on the sixth day after service of the petition is within the delays.

A person put into the cause for alleged corrupt practices is not entitled to exact a deposit.

This was the merits of preliminary objections made by Leblanc to the answer filed by Gaboury to the petition of Lavoie, who contested the election of Gaboury as member for Laval in the Legislative Assembly of Quebec. Leblanc had been put into the cause by Gaboury for alleged corrupt practices. The first of the objections was that the answer had not been filed within the delays—namely, five days after the service of the petition—38 Victoria, cap. 8, sec. 42. Secondly, that Gaboury had not accompanied his petition by the usual deposit of $1,000 to answer the costs of Leblanc. Thirdly, that the election petition of Gaboury had not only reference to the election of June, 1883, but also to the election of October, 1882, and that these elections were not one and the same as alleged by Gaboury. Fourthly, that the election of October having been annulled by the judgment of the Court of Review on the 25th May, 1883, it was *res judicata.* Fifthly, that Gaboury did not allege in his answer that Leblanc was a candidate or elector. Lastly, that Gaboury did not allege that he was elector or candidate at said elections.

PER CURIAM. The Court agrees with the judgment rendered by Mr. Justice Loranger on the 7th August, that the filing of the answer on the sixth day after service of petition of Lavoie, namely, on the 27th of July, was sufficient; also, that the defendant, by section 55, would be allowed to allege fraud and corruption without the obligation of furnishing the security or deposit in question. As to the elections of October and June, they need not be separated as to the alleged corrupt practices of Leblanc, and there is no *res judicata* by the judgment of May last. As to the allegation that Leblanc was a candidate and elector, it sufficiently appeared by the petition and answer that he was a candidate, and so also that Gaboury was elector and candidate. Section 55 has been complied with. The preliminary objections are overruled.

Boisvert and *A. Lacoste, Q.C.*, for Leblanc.
Charbonneau, for Gaboury.

CIRCUIT COURT.

L'ASSOMPTION, June 19, 1883.

Before MATHIEU, J.

WILHELMY v. BRISEBOIS.

Church constable a person fulfilling a public function—Tutelle.

A constable duly appointed to maintain order in a church during divine service is a person fulfilling a public duty, and entitled to notice of suit for damages under C. C. P. 22.

The parent has no right to sue for damages suffered by a minor child, unless duly appointed tutor to such child.