

## NOTES OF CASES.

## SUPERIOR COURT.

MONTREAL, Oct. 6, 1879.

CORPORATION OF VILLAGE OF VERDUN, Petitioners,  
and CORPORATION OF VILLAGE OF COTE ST.  
PAUL, Respondents.

*Homologation of plan of municipality—Reserve of  
disputed right.*

This was a petition by the Corporation of the Village of Verdun under 40 Vic., cap. 41 (Quebec), sec. 6, to obtain confirmation and ratification of the plan of the municipality. The Corporation of the Parish of Cote St. Paul and of the Village St. Gabriel intervened, and declared that there existed before the making of the plan of which the confirmation was asked, a difficulty which was not yet settled, relative to the limits of the municipality of the Village of Verdun and Cote St. Paul and St. Gabriel; that this difficulty consisted in a dispute as to the ownership of the land to the northwest of the Montreal Aqueduct, from the edge of the water to the line of the land of the Aqueduct; that this space of land is in the plan to be confirmed, and if it be homologated as it is, the judgment of the Court might be invoked by the petitioners against the contestants. These corporations, therefore, prayed that the demand of petitioner be rejected as to the land comprised between the edge of the water and the line of the Montreal Aqueduct, wherever the municipalities in question were contiguous. The petitioners answered this declaration by saying that the plan was only a plan of the Village of Verdun, and for the purpose of homologating certain proposed lines of streets entirely within the said village.

TORRANCE, J. I see no difficulty in confirming and ratifying the plan of petitioners, but it will be done with a reserve of any right which the contestants may have or pretend to the strip of land between the water of the Montreal Aqueduct and the boundary of the land of the Aqueduct, where it touches the land of said municipality.

*Macmaster, Hall & Greenshields* for petitioners.  
*L. O. Taillon* for respondents.

ATLMER, District of Ottawa, Oct. 13, 1879.

CUDDIE V. CASSIDY.

*Summons—Defendant resident in Ontario, with  
property in Quebec—38 Vict., c. 9 (Que.)*

This was an action for the recovery of the amount of a promissory note, made at the city of Ottawa, in the Province of Ontario, by Daniel Cassidy, the deceased husband of the defendant. Both parties, plaintiff and defendant, were domiciled in the Province of Ontario, and the defendant was personally served with a copy of the declaration and writ of summons at her domicile in the city of Ottawa. Plaintiff alleged in his declaration that defendant was possessed of real estate in the District of Ottawa, in the Province of Quebec. Defendant pleaded an "exception déclinatoire." Issue was joined on said exception, and after hearing the parties, the judgment of the Court (Bourgeois, J.) was as follows:—"Considering that the plaintiff has alleged in his declaration that the defendant is in possession of real estate within this District, and that the allegations in said exception are insufficient and unfounded in law, doth dismiss the said exception of the defendant, with costs, &c."

*Fleming, Conroy & Roney* for plaintiff.  
*A. Rochon* for defendant.

MONTREAL, October 14, 1879.

MERINO V. OUMMET, BONIN et al., petitioners, and  
MERINO, contesting.

*Insolvent Act—Compulsory Liquidation—Inter-  
vention.*

A writ in compulsory liquidation having issued against Ouimet, the petitioners, setting up that they are creditors of Ouimet in a sum of \$30 for professional services, that defendant is not insolvent, and that plaintiff is acting in collusion with him, prayed that the attachment be set aside. The conclusions of the petition were in these words:—

"Pourquoi les requérants concluent à ce que le dit bref soit déclaré avoir été émané illégalement, à ce qu'il soit déclaré illégal et nul, ainsi que tous les procédés adoptés sur icelui, et qu'ordre soit donné au syndic L. Dupuy et au gardien de remettre la possession des biens meubles et animaux saisis en vertu du dit bref