ment in appeal; and so, where the plaintiff obtained judgment in the Superior Court against three defendants jointly and severally, and the judgment was reversed by the Court of Queen's Bench sitting in appeal, and on appeal to the Privy Council the original judgment was restored, it was held that the plaintiff was entitled to be collocated by privilege on the proceeds of the moveables of the defendants for all costs up to and including the final judgment of the Privy Council.—*Elliot* v. *Lord et al., & Atkinson*, oppt., In Review, Torrance, Loranger & Cimon, JJ., Sept. 30, 1885.

Ejectment—Action by proprietor of one undivided half in usufruct—"Grosses réparations."

HELD:—1. That the proprietor for one undivided half in usufruct may bring alone an action in ejectment against the tenant; but he cannot of himself lease the premises subject to his usufruct.

2. "Grosses réparations" do not include the putting on of a new roof.—*Ross et vir* v. *Stearnes et al.*, Torrance, J., Aug. 22, 1885.

Certiorari—Juridiction—Cour des Commissaires—Municipalités de Ville.

JUGÉ:—1o. Que pour enlever à une cour sa juridiction, il faut une loi expresse et formelle.

2o. Qu'une Cour des Commissaires créée pour une paroisse conserve sa juridiction, lorsque subséquemment le territoire de la paroisse est érigé en municipalité de village ou de ville; et que les personnes assignées devant cette Cour peuvent être décrites comme étant du dit village ou de la dite ville.—*Ex parte Lemoine* v. *Doré*, Mathieu, J., 9 juin 1885.

CIRCUIT COURT.

MONTREAL, October 7, 1885.

Before JOHNSON, J.

LE COLLEGE DES MÉDECINS ET CHIRURGIENS DE LA PROVINCE DE QUÉBEC v. THEOBALD CHIVÉ.

Practising Medicine without a license—Assuming to be a physician—42 & 43 Vic. c. 37 (Q.)

HELD:—1. *That a druggist who recommends a tonic or a lotion for a particular ailment, and who sells the customer such tonic or lotion, charging him merely the ordinary price of the preparation, is not guilty of practising medicine without being a registered licensee in accordance with 42 & 43 Vic. c. 37 (Q.)*

2. *That a druggist who was formerly a doctor of Rouen, and who sells bottles of medicine with the label "Dr. Chivé, ex-interne des hopitaux de Rouen" thereon, is not liable for assuming the title of physician.*

PER CURIAM. (No. 3465.) This was an action for $50 penalty under the Stat. 42 & 43 V., c. 37 and amendments, for practising medicine without being a registered licensee (10th April, 1883.)

Two instances are specified: First, one Ad. Martel, whom he treated, and received thirty cents; second, Jos. Archambault, whom he also treated, and got eighty cents, (20th March, 1884.)

He pleads that he never practised medicine contrary to the statute, but that he is a licensed chemist and druggist, and has a right to sell and recommend his drugs and wares, and that he did no more. Secondly, he pleads prescription.

The plaintiff, in his declaration, alleges that the reason he did not bring the action before was the absence of the defendant from the province.

There is no evidence of practising medicine or prescribing it, in the sense of the statute. In the first case, the man Martel was suffering pain from inflammation of the bladder, and told the defendant so, and the latter recommended a lotion or a liquid in a bottle for which he charged thirty cents. This would seem a small fee for a prescription by a physician, and was evidently only the price of the physic or stuff that he sold and had a right to sell. In the second case, the witness says he was weak and wanted a tonic, and got two bottles for which he was charged and paid forty cents each. It would be straining the law to apply it to such a state of facts as this. The defendant is proved to be a licensed druggist, and he had a right to recommend his wares, and receive the price of them, which is all he did. I see nothing about prescription or limitation of action in the statute, and nothing was cited, but that is unimportant under the evidence.