Quebec.]

RAPHAEL v. MCFARLANE.

*Shares subscribed for by father "in trust" for minor child—Arts. 297, 298, 299, C.C.*

*Held*:—(Reversing the judgment of the Court of Queen's Bench, P. Q., M. L. R., 5 Q. B. 273.) Where the father of a minor who was not her tutor, invested monies belonging to her in shares of a joint stock company "in trust" and afterwards sold them to a person who had full knowledge of the trust, but paid full value, a tutor subsequently appointed has the right to recover the value of such shares, from the purchaser. Such shares became subject to the provisions of Arts. 297, 298, and 299, C. C., and could not be validly transferred without complying with the requirements of said articles. Taschereau, J., dissenting. *Sweeney* v. *Bank of Montreal* (12 App. Cas. 617) followed.

Appeal allowed with costs.

*Maclennan* for appellant.

*Geoffrion, Q.C.*, and *Smith* for respondent.

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Quebec.]

LANGEVIN v. THE SCHOOL COMMISSIONERS OF THE MUNICIPALITY OF ST. MARK.

*Mandamus—Judgment on demurrer not final—Appeal—Supreme & Exchequer Courts Act, sec. 24.(g) secs. 26, 29, and 30.*

A judgment of the Court of Queen's Bench for Lower Canada (Appeal side) reversed an interlocutory judgment of the Superior Court which had maintained the petitioner's demurrer to a certain portion of the respondant's pleas in proceedings for and upon a writ of mandamus.

*Held*, that interlocutory judgments upon proceedings for or upon a writ of mandamus or habeas corpus are not appealable to the Supreme Court under sec. 24 (g) of the Supreme & Exchequer Courts Act. The words "the judgment" mean "the final judgment in the case." Strong and Patterson, JJ., dissenting.

Appeal quashed with costs.

*Lacoste, Q.C.*, for appellants.

*Cornellier, Q.C.*, & *Geoffrion, Q.C.*, for respondents.

Quebec]

THE ROYAL INSTITUTION FOR THE ADVANCEMENT OF LEARNING, and G. BARRINGTON v. THE SCOTTISH UNION AND NATIONAL INSURANCE COMPANY.

*Appeal—Order for a new trial—When not appealable—Supreme and Exchequer Courts Act, secs. 24. (g). 30 & 61.*

Where a new trial has been ordered upon the ground that the answer given by the jury to one of the questions is insufficient to enable the Court to dispose of the interests of the parties on the findings of the jury as a whole, such order is not a final judgment and cannot be held to come within the exceptions provided for by the Supreme and Exchequer Courts Act in relation to appeals in cases of new trials. See Supreme and Exchequer Courts Act, sec. 24 (g). 30 and 61.

Appeal quashed with costs.

*Trenholme, Q.C.*, for appellants.

*Doherty, Q.C.*, & *Kavanagh* for respondents.

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Quebec.]

MOLSON v. BARNARD.

*Appeal—Judgment ordering a petition to quash seizure before judgment to be dealt with at the same time as the merits of the main action not final—not appealable.*

A judgment of the Court of Queen's Bench for Lower Canada (Appeal side), reversing a judgment of the Superior Court quashing on petition a seizure before judgment, and ordering that the hearing of the petition contesting the seizure should be proceeded with in the Superior Court, at the same time as the hearing of the main action, is not a final judgment appealable to the Supreme Court. Strong, J., dissenting.

Appeal quashed with costs.

*Laflamme, Q.C.*, for appellant.

*Doherty, Q.C.*, for respondent.

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Quebec.]

THE ACCIDENT INSURANCE CO. v. MCLACHLAN.

*Appeal—New trial ordered by Court of Queen's Bench suo motu—not final judgment—not appealable—Supreme and Exchequer Courts Act.*

In an action tried by a judge and jury, the