

"trouvait dans les biens du mari aucune maison qu'on put donner à la veuve pour son habitation, l'héritier du mari serait tenu de lui payer par chacun an une somme à laquelle on arbitrerait que pourrait monter le loyer d'une maison ou d'un appartement convenable, suivant l'état de la veuve, dans la ville où était le domicile de son mari lors de sa mort."

La cour est donc d'avis de rejeter la défense au fond en droit, et elle l'est avec dépens.

Défense au fond en droit rejetée.

Chaloult & LeBel, avocats de la demanderesse.

L. V. Dumais, avocat du défendeur.

COURT of QUEEN'S BENCH— MONTREAL.*

Illegal arrest and imprisonment — Probable cause—Complaint dismissed for defect of jurisdiction.

HELD:—1. Where the respondent converted to his own use, certain straw bought by him with money furnished to him by the appellant, and intended for the appellant's benefit, that there was probable cause for his arrest.

2. Where a person lays an information before a justice of the Peace, that a crime has been committed, for which such justice has general jurisdiction, and the justice grants a warrant upon which the accused is arrested, but he is afterwards discharged upon the ground that the justice had no authority in that special case, the complainant, if he had probable cause, is not liable in damages for illegal arrest and imprisonment.—*Copeland*, Appellant, and *Leclerc*, Respondent, Jan. 25, 1886, *Tessier and Cross, JJ., diss.*

Quebec Pharmacy Act, 48 Vict. (Q.), ch. 36, s. 8—Construction of—Partnership contrary to law.

HELD (Reversing the judgment in Review, M.L.R., 1 S.C. 485):—That the appellant, who had, during more than five years before the coming into force of the Act 48 Vict. (Q.) ch. 36, practised as chemist and druggist in partnership with his brother, and in his brother's

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name, was entitled, under sect. 8 of the Act, to be registered as a licentiate of pharmacy. The section in question must be construed as applying to those who have illegally practised as chemists and druggists, and it was immaterial whether the appellant had practised in his own name or in a partnership contrary to law, the illegality in either case being covered by the Act.—*Brunet & L'Association Pharmaceutique, P.Q.*, Jan. 27, 1886.

SUPERIOR COURT—MONTREAL.*

Capias—Emprisonnement illégal—Délit—Prescription de l'action résultant d'un délit.

JUGÉ:—1. Que le fait reproché à un défendeur arrêté sur *capias*, constitue un délit.

2. Que l'action par laquelle le demandeur réclame du défendeur des dommages-intérêts pour arrestation illégale et emprisonnement en vertu d'un *capias*, se prescrit par deux ans.

3. Que cette prescription n'est pas interrompue seulement par l'émanation de l'action, mais par la signification effective de l'action avant l'expiration des deux ans qui suivent la date du jugement rejetant le *capias*.—*Mansfield v. Dodd, Jetté, J.*, 18 oct. 1886.

Running stream—Tannery—Actionable nuisance—Damages—Injunction.

HELD:—1. That where the proprietor of a tannery, for the purposes of his industry, makes such use of a private water-course as to render the water unfit for domestic purposes and dangerous to health, and to deprive proprietors of land bordering on said stream, of the use and enjoyment of the same, damages will be granted against him.

2. Under the above circumstances, the Court will grant an injunction against such use of stream.—*Weir v. Claude, Johnson, J.*, Oct. 30, 1886.

Responsabilité des huissiers—C. proc. arts. 22 et 36—Avis d'action—Effet des lois décrétant quels biens peuvent être saisis et ceux qui ne peuvent l'être—C. proc. art. 556—Subrogation.

JUGÉ:—1o. Que l'huissier porteur d'un

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