fore humbly advise Her Majesty to reverse the decision of the Court of Queen's Bench for Lower Canada, and to reinstate the judgment of the Superior Court with costs.

Their Lordships think that the appellants should have the costs of this appeal; but on the taxation of the costs here they desire that their officer should have regard to the fact that the record has been cumbered with over 200 pages of accounts of no use whatever on the appeal, and but one or two items of which have been read. If this most unnecessary expense was occasioned by the default of the appellants, they ought not to have the costs thus occasioned.

Judgment reversed.

Sir Horace Davey, Q.C., and *Macleod Fullarton*, counsel for appellants.

C. H. Anderson, Q. C., and *Normandy*, counsel for respondents.

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*SUPERIOR COURT—MONTREAL.**

Conviction under the Indian Act, R.S. cap. 43—Appeal—Procedure—Informer or prosecutor.

HELD:—1. That the sections of the Summary Convictions Act 2 R.S., c. 178, relating to appeals, are applicable to convictions under the Indian Act, 1 R. S., c. 43.

2. That except as to objections upon the face of the record, the respondent ought to begin.

3. That an exception contained in the clause enacting the offence ought to be negatived, but if it be in a subsequent clause or section it is matter for defence and need not be negatived; but this would not necessarily make the conviction illegal (2 R. S. c. 108, sec. 88).

4. That in the circumstances of this case, Montour (the Indian to whom liquor was supplied) was a witness other than the informer or prosecutor.—*Ex parte Lefort & Dugas et al.*, Davidson, J., Dec. 19, 1887.

Master and Servant — Accident the result of dangers inherent to the employment—Responsibility.

HELD:— That an employer, who is not guilty of negligence, is not responsible for loss suffered by an accident to his workman, which is the result of dangers inherent to the trade or employment, and of which the workman was aware when he voluntarily assumed the employment. And so it was held, that master roofers were not responsible for the death of an apprentice, aged 16, who fell from a platform while engaged in his employment, where it appeared that the apprentice was aware of the danger of the work, was fitted to engage in it, and the employers were wholly free from negligence or fault in respect of the platform, tackle, or method of work.—*Lavoie* v. *Drapeau*, Davidson, J., Dec. 28, 1887.

C. C. 2085—Donation of real estate—Registration of sale by donor to third party before registration of donation—Rights of donee—Nullity of deed invoked by answer to plea.

HELD:—1. The notice received or knowledge acquired of an unregistered right belonging to a third party and subject to registration, cannot prejudice the rights of a subsequent purchaser for valuable consideration whose title has been duly registered, except when such title is derived from an insolvent trader;—C.C. 2085. The mere fact that the subsequent purchaser was cognizant of the prior unregistered deed, without evidence of fraudulent collusion between him and the vendor, does not affect his rights.—And so, where F. made a donation of real estate to C., and in the following year, for valuable consideration, sold the same property to S., and the subsequent deed was registered prior to the registration of the deed of donation, and (in the opinion of the majority of the Court) there was no fraudulent collusion between F. and S., the second *acquéreur*, it was held that C. could not maintain a petitory action against S. founded upon the deed of donation, though S. had knowledge of the prior deed.

2. A deed attacked as made in fraud of a creditor cannot be annulled by the Court on a pleading, *e.g.*, a special answer to plea, if the conclusions of the pleading do not ask that the nullity of the deed and radiation of the registration be pronounced by the Court.—*Charlebois* v. *Sauvé*, in Review, Taschereau, Mathieu, Davidson, JJ., (Mathieu, J. *diss.*), Dec. 30, 1887.

* To appear in Montreal Law Reports, 3 S. C.