

wife brought an action to have it revived and the surrender cancelled. By Art. 690 of R. S. P. Q. "the pension or half pension is neither transferable nor subject to seizure," and by Art. 683 the widow of D. would have been entitled to an allowance equal to one half of his pension.

*Held*, reversing the decision of the Court of Review, Strong, C. J., and Sedgewick, J., dissenting, that D, after his retirement was not a permanent official of the Government of Quebec and the transaction was not, therefore, a resignation by him of office and a return by the Government, under Art. 688, of the amount contributed by him to the pension fund; that the policy of Art. 690 is to make the right of a retired official to his pension inalienable even to the Government; that D's wife had a vested interest jointly with him during his life in the pension and could maintain proceedings to conserve it; and therefore that the surrender of the pension should be cancelled.

Appeal allowed with costs.

*Burroughs* for the appellants,

*Cannon, Q.C.*, for the respondent.

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6 May, 1895.

N. A. GLASS CO. v. BARSALOU.

Quebec.]

*Contract—Construction of—Agreement to discontinue business—  
Determination of agreement.*

B, a manufacturer of glassware, entered into a contract with two companies in the same trade, by which in consideration of certain quarterly payments, he agreed to discontinue his business for five years. The contract provided that if at any time during the five years any furnace should be started by other parties for the manufacture of glassware, either of the said companies could, if it wished, by written notice to B, terminate the agreement "as on the first day on which glass has been made by the said furnace," and the payments to B. should then cease unless he could show "that said furnace or furnaces at the time said notice was given could not have a production of more than \$100 per day."

*Held*, affirming the decision of the Court of Review, that under this agreement B. was only required to show that any furnace