

nation, to be effective, should be made, *partie appellee*, at a place and time and with a person duly designated to the holder of the property.—*Fournier & Leger, Dorion, C. J., Baby, Church and Bossé, JJ.*, May 21, 1890.

Jury Trial—Verdict—Jury Unable to Answer Question—Art. 414, C. C. P.

Held:—Where the jury, in answer to a question submitted to them at the trial, reply "impossible to say," such answer is not a compliance with Art. 414, C. C. P., which requires that the verdict be explicitly affirmative or negative upon each fact submitted, and there is a right to a new trial.—*Royal Institution & Scottish Union and National Ins. Co., Dorion, C. J., Cross, Baby, Bossé, JJ.*, May 23, 1890.

Prohibition to Prevent Execution of Judgment—Discretion—Appeal—Circuit Court.

Held:—Affirming the judgment of Gill, J., M. L. R., 5 S. C. 417, Where there has been no plea to the jurisdiction, and no demand has been made for a writ of prohibition while the case was pending before the Court which rendered the judgment complained of, the Superior Court, or a judge thereof, has discretionary power to grant or refuse a writ of prohibition to prevent the execution of the judgment; and a Court of appeal will not interfere with the exercise of this discretion unless the absence of jurisdiction be apparent on the face of the proceedings.

[Question whether the Circuit Court is a Court of inferior jurisdiction not passed upon.]—*Corporation de la paroisse de Ste. Genevieve & Boileau, Dorion, C. J., Tessier, Cross, Bossé, Doherty, JJ.*, May 21, 1890.

APPEAL REGISTER—MONTREAL.

Friday, May 15, 1891.

Bourgeois & Chouillou.—Motion for leave to appeal from interlocutory judgment.—C. A. V.

Canada Railway News Co. & Montreal News Co.—Motion to dismiss appeal.—C. A. V.

McCaffrey & Ontario Bank.—Petition for leave to appeal from interlocutory judgment.—C. A. V.

Canadian Bank of Commerce & Stevenson.—Appeal from judgment of Superior Court, Montreal, Loranger, J., Sept. 14, 1889. Hearing on merits resumed and continued.

Saturday, May 16.

McCaffrey & Bank of Ontario.—Petition for leave to appeal from interlocutory judgment rejected with costs.

Bourgeois & Chouillou.—Motion for leave to appeal from interlocutory judgment rejected with costs.

Banque du Peuple & Archambault.—Motion for leave to appeal from interlocutory judgment.—C. A. V.

Archbold & Delisle.—Petition for leave to appeal from interlocutory judgment.—C. A. V.

Canadian Bank of Commerce & Stevenson.—Hearing resumed and continued.

Monday, May 18.

Canadian Bank of Commerce & Stevenson.—Hearing concluded.—C. A. V.

Hathaway & Chaplin.—Appeal from judgment of Superior Court, Montreal, Tait, J., May 31, 1890. Heard.—C. A. V.

Vincent & Poupert.—Appeal from interlocutory judgment of Superior Court, Montreal. Heard.—C. A. V.

McGreevy & Beaucage.—Appeal from interlocutory judgment of Superior Court, Montreal, Davidson, J., March 13, 1891. Heard.—C. A. V.

Clarke & McDonald.—Appeal from judgment of Superior Court, Montreal, Tait, J., June 23, 1888. Heard.—C. A. V.

Tuesday, May 19.

Banque du Peuple & Archambault.—Petition for leave to appeal from interlocutory judgment. Dismissed with costs.

Archbold & Delisle.—Petition for leave to appeal from interlocutory judgment. Dismissed with costs.

Canada Railway News Co. & Montreal News Co.—Motion to dismiss appeal granted, the judgment being interlocutory, and the appeal taken *de plano*.

Lefebvre & Magnan.—Motion for new security.—C. A. V.

Great Eastern R. W. Co. & Lamb.—Motion for dismissal of appeal. Rejected, without costs.