

the interpretation which is to be given to this prohibitory clause is that each case should be adjudged upon its own merits. Should the circumstances show that the accused was lacking in good faith, or did not care, or was wilfully blind, so that his acts would amount to a criminal carelessness or negligence, I would not hesitate to condemn. Selling to a boy of 10 or 12 years old is very different from selling to a boy of 18, 19 or 20, as far as the guilty knowledge is concerned, and whilst in the present case I do not feel myself at liberty to convict, I would not hesitate an instant to do so should I feel certain that the seller could not have been misled.

Lebourveau for the prosecution.

St. Pierre, Globensky & Poirier for the defence.

APPEAL REGISTER—MONTREAL.

Tuesday, January 15, 1889.

Dorion & Dorion.—Motion for substitution granted.

Wattie & Major.—Motion to dismiss appeal. C. A. V.

Cherrier & Terihonkou.—Heard. C. A. V.

Fortin & Dupuis.—Heard. C. A. V.

Devin & Ollivon.—Heard. C. A. V.

Yon & Cassidy.—Part heard.

Wednesday, January 16.

Wattie & Major.—Motion to dismiss appeal rejected without costs.

Yon & Cassidy.—Hearing concluded. C. A. V.

Jacobs & Ransom et al.—Heard. C. A. V.

Dun et al. & Cossette.—Part heard.

Thursday, January 17.

Casavant & Casavant & Millette.—Petition to take up instance granted.

Ex parte Victor Mathyl.—Petition for *habeas corpus*. Writ ordered to issue, returnable 18th instant.

Dun et al. & Cossette.—Hearing concluded. C. A. V.

Ouimet & Cie. d'Imprimerie.—Heard. C. A. V.

Dorion & Dorion.—Part heard.

Gilman & Gilbert (No. 21).—Desistment as to part of claim, filed by *Gilman* after adjournment of Court.

Friday, January 18.

Grand Trunk Ry. Co. & Murray.—Petition to take up instance granted.

Gilbert et al. & Gilman (No. 33).—Motion to unite this cause to No. 21 between the same parties, now *en délibéré*. C. A. V.

Ex parte Victor Mathyl.—Writ of *habeas corpus* returned. Petition granted and prisoner admitted to bail.

Dorion & Dorion.—Hearing concluded. C. A. V.

North Shore Railway Co. & McWillie et al.—Heard. C. A. V.

Irwin & Lessard.—Part heard.

Saturday, January 19.

Gilbert et al. & Gilman.—Motion to unite No. 33 to No. 21 between the same parties and now *en délibéré*, rejected with costs.

Carle & Parent.—Confirmed.

Stefani & Monbleau.—Confirmed. Motion for leave to appeal to Privy Council. Rule nisi returnable 24th.

Maire & Conseil de Sorel & Vincent.—Confirmed.

Ouimet & Cie. d'Imprimerie.—Confirmed, each party paying his own costs in both Courts.

Longtin & Robitaille.—Confirmed.

Ouimet & Canadian Express Co.—Reversed, and \$200 damages allowed appellant. *Church, J., diss.*

Milliken & Bourget.—Confirmed.

Montplaisir & Banque Ville Marie.—Petition for *reprise d'instance* granted.

Irwin & Lessard.—Hearing resumed and continued to 21st.

COURT OF QUEEN'S BENCH— MONTREAL.*

Long established industry—Tannery—Pollution of running stream—Nuisance—Injunction.

The appellant and his predecessors, had, from time immemorial, carried on the business of tanning leather in Côte des Neiges—that being the principal industry of the village. A small stream, which ran through the lands of both parties, and which was partly used as a drain, received certain noxious substances from the tannery. The respon-

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