

and deposit by the commissioners in the office of the city treasurer, and the prescription of three months under 42-43 Victoria, chap. 53, s. 12, runs from that date.—*Joyce & La Cité de Montréal*, Dorion, Ch. J., Tessier, Cross, Baby, Church, JJ., May 26, 1887.

Malicious arrest—Probable Cause.

Appellant, a jeweller, desiring to increase his business, obtained advances from respondent, a wholesale dealer, and gave as security a hypothec on his property, on which he declared there were mortgages, but he only specified one of a certain amount. There was really another. Shortly afterwards, the appellant became insolvent, and the respondent arrested him on the charge of obtaining property on false pretences.

HELD:—That there was probable cause for the arrest, though it appeared that the appellant did not intend fraudulently to conceal the mortgage.—*Grothé & Saunders*, Dorion, Ch. J., Ramsay, Cross, Baby, JJ., January 16, 1886.

Cadastre—Omission to enter constituted rent.

HELD:—That an omission to enter in the cadastre a constituted rent to represent the former seigniorial rent, cannot be rectified.—*La Corporation Episcopale Catholique Romaine du Diocèse de St. Hyacinthe & The E. T. Bank*, Dorion, Ch. J., Monk, Ramsay, Cross, Baby, JJ., Sept. 21, 1886.

Appeals on questions of appreciation of evidence
—*Quantum meruit.*

HELD:—That where it is not a matter of contract, and no question of law or principle is involved, and the case resolves itself into a mere question of appreciation of evidence, e.g. as to the value of services, the Court of Appeal will not disturb the judgment of the Court below, unless a serious injustice has been done to the appellant.—*The St. Lawrence Steam Navigation Co. & Lemay*, Dorion, Ch. J., Monk, Ramsay, Cross, JJ., Nov. 25, 1885.

* To appear in Montreal Law Reports, 3 Q. B.

*Municipal Law—M. C. 932—County Council—
By-law of Local Council—Powers of County
Council.*

A local council passed a by-law which was amended by the county council on appeal. The local council, without new proceedings or any effort to amend, passed a by-law in similar terms to the former by-law, which was then again taken to the County Council on appeal, when the following resolution was proposed and adopted:—"Attendu que la question en litige sur le présent appel a été réglée par ce Conseil, en homologuant le procès-verbal de Louis Parent en octobre dernier; et attendu que le Conseil Municipal de la paroisse de St. David, au lieu de mettre à exécution le dit procès-verbal et de respecter la décision de ce Conseil, a adopté à sa session du 7 avril dernier, un règlement mettant à néant la dite décision de ce Conseil;

"Que l'appel porté devant ce Conseil par requête de Dolphis Lessard et autres, en date du 12 avril dernier, soit maintenu; et que le règlement dont est appel, adopté par le Conseil Municipal de la paroisse de St. David, à sa session du 7 avril dernier, ainsi que tous les procédés, ordres et résolutions du dit Conseil Municipal de la paroisse de St. David, adoptés à sa dite session du 7 avril dernier, amendant le dit procès-verbal de Louis Parent, soient, et ils sont par la présente résolution, cassés, annulés et mis à néant à toutes fins que de droit, avec dépens contre Régis Crépeau, père (and four others), de la paroisse de St. David, qui ont par requête en date du premier mars dernier sollicité du Conseil Municipal de la paroisse de St. David la passation du dit règlement, savoir les intimés sur le présent appel."

HELD:—That the county council, in thus setting aside the by-law of the local council, acted within its jurisdiction.—*La Corporation du Comté d'Yamaska & Durocher*, Monk, Ramsay, Tessier, Cross, Baby, JJ., Jan. 21, 1886.

GENERAL NOTES.

GUILLY AND GUILTY.—In *Partain v. State*, 2 S. W. Rep. 854, the Texas Court of Appeals laid down that the failure of the jury to cross the 't' in the word 'guilty,' does not vitiate a verdict in a criminal case. 'Guilty' the Court could stand, but 'guilty' was a little too much for them; and now sliding back into the beggarly elements of technicality they hold that a verdict which holds the defendant 'guilty' is no better in law than if it were to find him 'giddy.'—*American Law Review*.