

railway works were completed before its service; that the plaintiff had waived his right to an injunction by allowing the matter to go to arbitration; and that on the merits no damage had been sustained, and the mill privileges and water power in no way disturbed or lessened by the railway works.

Judgment was rendered by Mathieu, J., dismissing plaintiff's petition for a permanent injunction on the grounds:—

1st. Because the works were completed before the writ was served, and as the writ called for the discontinuance of the works it could not be granted.

2nd. Because plaintiff had waived his right to his recourse by injunction, because he had allowed his claim to be referred to arbitration.

The dismissal of the plaintiff's proceedings carried costs against him.

(R. T. H.)

COURT OF QUEEN'S BENCH—MONTREAL.*

Exemptions from seizure—Damages awarded for libel and slander not exempt from seizure—Compensation.

HELD:—Affirming the decision of Torrance, J., M. L. R., 2 S. C. 410, that the amount of a judgment obtained as damages for libel is not exempt from seizure by garnishment.

Quære, as to the right to oppose other claims in compensation of the damages a party has been condemned to pay for a *délit* or *quasi délit*, or to seize in his own hands the sums so awarded to his debtor.—*Archambault & Lalonde*, Dorion, C.J., Tessier, Cross, Baby, J.J., Sept. 17, 1887.

Sheriff's sale—Vacated at suit of purchaser—C. C. P. 714—Property charged with dower claim.

HELD:—That a purchaser of real estate at a sheriff's sale is not bound to take a deed of the property, but may have the sale vacated, if it appear that the immovable is charged with a claim for dower which is not extinguished by sheriff's sale; and this is so, even where the purchaser has knowledge,

before the sale, of the existence of the hypothec.—*Blondin & Lizotte*, Dorion, C.J., Tessier, Cross, Baby, J.J., Feb. 22, 1887.

City of Montreal—41 Vic. (Q.) ch. 6, s. 26—Municipal taxes—Local assessment for local purposes—Educational Institution—Exemption.

HELD:—(Reversing the judgment of the Superior Court, M. L. R., 2 S. C. 265), that the assessment imposed on the proprietors benefited, for the cost of a work of a local character and for the benefit of properties in a particular section of the City of Montreal, is not a municipal tax within the meaning of 41 Vict. (Q.) ch. 6, s. 26, but is of the nature of a local assessment for local purposes, and as such does not come under the exemption from municipal taxes accorded to educational institutions by the statute cited.—*La cité de Montréal et les Ecclésiastiques du Séminaire de St. Sulpice de Montréal*, Tessier, Cross, Baby, Church, Doherty, J.J. (Baby, J., diss.), Jan. 27, 1888.

Exemptions from taxation, M. C. 712, 978a—Taxes imposed by municipal by-laws for payment of interest and creation of sinking fund for redemption of municipal debentures.

HELD:—That taxes imposed by municipal by-laws for the payment of the interest and creation of a sinking fund for the redemption of municipal debentures constitute a hypothec upon all the real property of the municipality taxable at the date of the passing of such by-laws, and the hypothec continues to affect the property even when it passes into the hands of a purchaser in whose possession it would have been exempt from taxation had he owned it at the date of the passing of the by-laws.—*La Communauté des Sœurs des S. N. de Jesus et Marie*, Dorion, Ch. J., Tessier, Cross, Church, J.J., Nov. 22, 1887.

SUPERIOR COURT—MONTREAL.*

Montreal, City of—Municipal election—46 Vict. (Q.) ch. 78, s. 27—Date of election—Extraordinary vacancy.

Held, That the date of a municipal election within the meaning of 46 Vict. (Q.) ch.

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

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