in constructing a railway. The plea was a general denegation. The defendant was condemned to pay only a part of the amount demanded ; but he inscribes the judgment for review upon the evidence, and he contends in his factum, and contended at the argument, that the hire having been made to the firm of Abbott & McDonald, there should be proof that he assumed the obligations of the firm : but the members of the firm, of which Mr. McDonald admits he was one up to July, 1875, do not cease to be individually liable jointly and severally ; and as to the amount adjudged, it was said with some plausibility by the plaintiff that it ought to have been larger ; but there is no inscription on his part, and the judgment is therefore simply confirmed.

Trenholme & Co. for plaintiff.

Loranger & Co. for defendant.

SUPERIOR COURT, QUEBEC.

Taxes — Demand of Payment—Jurisdiction.— Jugé, que la demande de paiement pour taxes (en vertu de l'article 661 du code municipal) adressée à une femme séparée de biens, et à elle transmise dans une enveloppe à l'adresse du mari, est suffisante.

Que la Cour de Circuit a juridiction dans ces causes, quelqu'en soit le montant.—*La Corporation du Village de Bienville* v. *Gillespie et vir* (C.C.), jugement par Casault, J.—6 Q.L.R. 346.

SUPERIOR COURT, MONTREAL.

Pawnbroking—Penalty.—1. An isolated act of pledging will not constitute the exercise of the trade of a pawnbroker, within the meaning of the Quebec Statute, 34 Vict. Ch. 2, S. 69,— *Perkins* v. *Martin*, 25 L. C. J. 36.

2. Payment of a penalty under said Act, in a *qui tam* action brought for its recovery, by depositing the amount with the Clerk of the Court in which the judgment was rendered, will, in the absence of proof of collusion, be an absolute bar in a subsequent action by the Revenue Officer for the recovery of the same penalty.—*Ib.*

3. In the absence of proof that the affidavit required by 27 and 28 Vict. Cap. 34, Sec. 1, has not been filed, such affidavit will be presumed to have been filed, when the writ has actually issued and judgment has been rendered thereon.—*Ib.*

Negligence—Excavation in street.—A proprietor of real estate in Montreal is responsible for an accident arising from the neglect to cover and put a railing round an excavation in the public street, connected with the making of a drain from his property to the public drain, and to put up a light at the spot, when the permit to make such excavation has been granted to him by the Corporation on condition of his making such covering and railing, and putting up such light, notwithstanding that such excavation was made by a contracter over whom the proprietor had no control.—*McRobie* v. *Shuter et al.*, 25 L. C. J. 103.

SUPERIOR COURT, TERREBONNE.

Procedure—Execution.—Le défaut de *fiat* pour l'émanation d'un bref d'exécution n'est pas une cause de nullité du bref lui-même quant aux parties demanderesse et défenderesse.—*De Bellefeuille* v. *Pollock*, 25 L. C. J., 104.

2. Le fait qu'un bref d'exécution contre les meubles a été émané sur un *fiat* ne contenant pas le jour du rapport, et que le régistre des exécutions tenu par le protonotaire mentionnait un jour de retour différant de celui entré dans l'exécution, constitue tout au plus une nullité sans griefs que le défendeur n'a pas d'intérêt à invoquer.—*Ib.*

COURT OF APPEAL, ONTARIO.

Insolvent Act of 1875—*Recovery of debts under Sect.* 68.—Where certain creditors of the insolvent take proceedings under Sect. 68 of the Insolvent Act, 1875, in the name of the assignee, to recover a debt due the insolvent, they are entitled to the amount recovered, and the estate cannot benefit by the recovery in any way unless indirectly, when the creditors' claims are extinguished thereby, and consequently their right to receive further dividends from the estate is gone.

Where in such a case the debt was paid to the assignee, who refused to pay it to the creditors who had taken the proceedings to recover it : *Held*, that their proper remedy was by application to the Judge of the Insolvent Court.—*In re Lewis*, insolvent, (March 23, 1881), 17 C. L. J. 166.