

7 June, 1897.

## DEMERS V. MONTREAL STEAM LAUNDRY CO.

Quebec.]

*Appeal—Questions of fact—Second appellate court.*

Where a judgment upon questions of fact rendered in a court of first instance has been reversed upon a first appeal, a second court of appeal should not interfere to restore the original judgment, unless it clearly appears that the reversal was erroneous.

Appeal dismissed with costs.

*Geoffrion, Q. C.*, and *Goyette*, for the appellant.

*McGibbon, Q. C.*, for the respondent.

7 June, 1897.

## GUERTIN V. SANSTERRE.

Quebec.]

*Building societies—Participating borrowers—Shareholders—C.S. L.C., c. 69—42 and 43 V. c. 32—Liquidation—Expiration of classes—Assessments on loans—Notice of—Interest and bonus—Usury laws—C.S.C., c. 58—Art. 1785, C.C—Administrators and trustees—Sales to—Prête nom—Art. 1484 C.C.*

S. applied to a building society for a loan of \$3,500, which was subsequently advanced to him upon signing a deed of obligation and hypothec submitting to the conditions and rules applicable to the society's method of carrying on their loaning business, and declaring that he had become a subscriber for shares in the company's stock for an amount corresponding to the amount of the loan, namely 70 shares of the nominal value of \$50 each in a class to expire after 72 monthly payments, or in six years from the date of its commencement (July, 1878), this term corresponding with the term fixed for the repayment of the loan. He thereby also agreed to make monthly payments of one per cent. each upon the stock and that the loan should be repaid at the expiration of the class, when, upon the liquidation of the business of that class, members would be entitled to the allotment of their shares subscribed as paid up, partly by the monthly instalments and partly by accumulated profits to be derived from whatever moneys had been paid in and invested for the benefit of that