

would be a bold man who should advise any person who has made money out of a company that he will not be held to have been a promoter. Juries are inclined to find in favor of companies in such cases, and the judges are disinclined to disturb such findings; while there is absolutely no exhaustive definition of what amounts to a promoter.

## NOTES OF CASES.

### COURT OF QUEEN'S BENCH.

[In Chambers.]

MONTREAL, July 16, 1879.

SHERIDAN, Appellant, and THE OTTAWA AGRICULTURAL INSURANCE CO., Respondent.

*Appeal to Supreme Court—Amount in "controversy."*

Hutchinson, for the Insurance Company, applied in Chambers for leave to appeal to the Supreme Court of Canada, from the judgment of the Court of Queen's Bench, reported *ante* p. 206.

Duhamel, Q.C., objected that as the amount of the judgment was only \$1650, there was no appeal to the Supreme Court. In the Act establishing the Supreme Court, sect. 17 provided that no case in which the amount in dispute did not reach \$2,000 could be appealed. But in the amending Act, assented to 15th May, 1879, the word "controversy" was substituted for "dispute," and it was contended that it was now the amount of the judgment, and not the amount for which the action was instituted, that gave the right to appeal to the Supreme Court.

Hutchinson, in reply, said the principle had been settled in the case of *Hart v. Joyce*, 1 Supreme Court Rep., p. 321, in which it was held that the right to appeal is determined by the amount asked for by the declaration. The Act of last Session made no change.

Cross, J., overruled the objection, and granted leave to appeal.

Duhamel & Co., for Sheridan.

Hutchinson & Co., for the Insurance Co.

### SUPERIOR COURT.

MONTREAL, June 25, 1879.

VIGER et al., Petitioners, v. THE CORPORATION OF THE TOWN OF LONGUEUIL, Respondents.

*Electoral List—Revision—Form of Petition for striking off names—Plainte par écrit.*

MACKAY, J. The petitioners, parliamentary electors for the Electoral District of Chambly, ask that the names of Adolphe Gadoua and 21 others be struck off the Electoral List, and the list reformed to that extent, and that the names of Edmond Contois, Alfred Lapointe, Elzeard Lemieux and eleven others, be reinscribed on the list of Electors, and the list reformed accordingly.

The petition alleges the preparation of the Electoral List by the Secretary-Treasurer of the town of Longueuil in the month of March last; that notice was duly given of it, and that afterwards, within the fifteen days allowed by law, *requêtes* were duly presented to the Council asking that the names of said Adolphe Gadoua and 21 others be struck from the list, they not possessing at the time of the completion of the list, the qualifications required by law to be electors;

That the Council refused on the 9th and 10th of April to do right and justice upon the petitions presented to them, asking that the names of Gadoua and the 21 others be struck off the list, but decided to leave them on;

That on or about the said 10th of April the Council struck off the list or refused to enter upon it, though duly demanded, the names of Edmond Contois, Alfred Lapointe, Elzeard Lemieux and eleven others, all of whom possessed the requisite qualifications to be electors, and whose names were inscribed on the *Roll d'évaluation*.

The respondents plead a general denial, and further say that the *plaintes*, or *requête*, of Viger, asking that the names of Adolphe Gadoua and 21 others be struck off, were not *libellés*, and did not show by particulars, or for what reasons, those persons' names should be struck off; that no proof was tendered to show those persons not duly qualified, and that the names of those persons were all on the *Roll d'évaluation* in force on 1st March;

That Edmond Contois, Alfred Lapointe, Elzeard Lemieux and eleven others, had to be