tached. The decision is of very great importance to the service and to those who have dealings with its retired members."

SUPREME COURT OF CANADA.

QUEBEC.]

GRÉGOIRE v. GRÉGOIRE.

Tutor and minor—Sale prior to 1st Aug. 1866. —Action to annul — Prescription — Arts. 2243, 2258, C.C.

HELD, affirming the judgment of the Court below, M. L. R., 2 Q. B. 228, (Fournier and Henry, JJ., dissenting,) that the action to annul a sale made in 1855 by a minor emancipated by marriage, to her father and ex-tutor (without any account being rendered, but after the making of an inventory of the community existing between her father and mother) of her share in her mother's succession, was prescribed by ten years from the date when the minor became of age. Arts. 2243, 2258, C.C. *Motz* v. *Moreau*, (7 L.C.R. 147) followed.

Appeal dismissed with costs.

Geoffrion, Q.C., for appellant.

Paradis for respondent.

McMILLAN v. HEDGE.

Servitude—Aggravation of—Art. 558, C.C.

On the 26th March, 1853, one G.L., by deed of sale, granted to P.C. 'a right of passage through the lot of land of the said vendor fronting the public road as well on foot as with carriage, and to the charge to the said purchaser 'of keeping the gates of the said passage shut.'

In 1882, McM, having acquired the dominant land, built a coal oil refinery and warehouses thereon. In the course of his trade he had several heavy carts making three or four trips a day through this passage leaving the gate open, and in addition to his own carts, most of the coal oil dealers of the city of Montreal, wholesale and retail, were supplied there with their own carts.—At the time of the grant the land was used as agricultural land; the passage was ten feet in width.

HELD, affirming the judgment of the Court below, M. L. R., 1 Q.B. 376, (Henry, J. dissenting), that the passage could not be used for the purposes of a coal oil refinery and trade, as McM. thereby aggravated the servitude and rendered it more onerous to the servient land than it was when the servitude was established. Art. 558 C. C.

Appeal dismissed with costs.

Davidson, Q. C., for appellant.

Pagnuelo, Q. C., for respondent.

BRITISH COLUMBIA.]

THE CANADIAN PACIFIC RAILWAY CO. v. MAJOR.

Canadian Pacific Railway Act, 44 Vic. ch. 1.— Cons. Ry. Act, 1879, s. 19.

By the Act incorporating the Canadian Pacific Railway Co., 44 Vic. ch. 1, the provisions of the Cons. Ry. Act, 1879, are made applicable to the building of the Canadian Pacific Railway in so far as they are not inconsistent with or contrary to the said act of incorporation.

HELD, (Henry, J. dissenting), that the provision contained in section 19 of the Cons. Ry. Act, 1879, that no railway company shall have any right to extend its line of railway beyond the termini mentioned in the special act, is inconsistent with the power given to the Company under sec. 14 of said contract to build branch lines from any point within the Dominion, and with the declaration in section 15 of the charter, that the main line, branch lines, and any extension of the main line thereafter constructed or acquired shall constitute the Canadian Pacific Railway.

The Canadian Pacific Railway has, therefore, a right to build their road beyond Port Moody in British Columbia, the terminus mentioned in said act of incorporation.

Appeal allowed with costs.

Robinson, Q. C., and *Tait, Q. C.*, for appellants.

Eberts and *Richards, Q. C.*, for respondent.

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*COURT OF QUEEN'S BENCH— MONTREAL.**

Partnership—Responsibility for acts of person managing business carried on by appellants under a different name.

The appellants set up a firm of "J. H. Wilkins & Co.," which by private agreement

* To appear in Montreal Law Reports, 2 Q.B.