

declared he had in his hands a threshing machine belonging to defendant. Interveners thereupon filed an intervention, claiming the machine on the ground that they had not been paid; that although the notes had not yet matured defendant was insolvent, and they tendered back the notes *à qui est de droit*.

Plaintiff contested, alleging 1st, the illegality of the collateral agreement as being an attempt to create a chattel mortgage unknown to our law. 2nd, that the effect of a sale being to divest the seller of his property in the thing sold in favor of the purchaser, and intervenants having accepted defendant's notes in payment, could not also retain the ownership.

It was proved that defendant was insolvent.

PER CURIAM. I cannot see that this agreement is illegal, it is simply a conditional sale; the property is to pass only when the price is paid; the price has not been paid and the intervention must be maintained.

A. E. Mitchell, Att'y. for Interveners.

McCormick, Duclos & Murchison, Att'ys for plaintiff contesting.

(R. L. M.)

CIRCUIT COURT.

BEAUHARNOIS, June 2, 1888.

Before BELANGER, J.

MASSON, Petitioner, v. **LEAHY**, Respondent.

Municipal law—Mayor—Right to preside at first meeting of new Council.

HELD:—1. *That the Mayor of a local Municipality remains in office until his successor is elected, notwithstanding that his term of office as councillor has expired.*

2. *That as such Mayor he has the right to preside at the first meeting of Council called after the annual election, and to give his casting vote for the election of a new Mayor.*

Respondent was elected Mayor of the Parish of St. Anicet by the casting vote of one Dupuis, the former Mayor. The annual election of councillors to replace those whose term of office had expired, was held on the 9th January preceding, when petitioner was elected to replace Dupuis whose term as councillor had expired.

At the first meeting of Council, called on the 6th February following, Dupuis persisted in presiding as Mayor until his successor was elected.

Both petitioner and respondent were nominated for the mayoralty, when respondent was elected by the casting vote of Dupuis.

Petitioner thereupon took action to have his election set aside on the ground that the vote of Dupuis was illegal, that he had no right to preside, his office as Mayor becoming vacant when he ceased to be councillor, under article 342 M. C.

The facts were admitted and respondent joined issue in law, urging, that notwithstanding Art. 342 M. C., in established municipalities it was intended under Art. 333 M. C., that the Mayor should remain in office until his successor was appointed, and therefore Dupuis had the right to preside at this meeting although not a councillor; Art. 134 M. C. clearly presuming this construction as it provides, "That if the presiding officer be not also a councillor he can only vote in the case of an equal division of votes." Moreover, Art. 286 M. C. provides how the first session of newly organized municipalities shall be presided over, namely, by one of the councillors who composes the new Council, and as there is no such provision regarding the first session, after the annual election, of organized municipalities, it is clearly intended that Art. 333 M. C., should apply.

The COURT sustained this pretension, maintaining respondent in his seat and dismissing the petition with costs.

Seers & Laurendeau, Attys. for petitioner.

McCormick, Duclos & Murchison, Attys. for respondent.

(R. L. M.)

COUR D'APPEL DE DOUAI.

13 février 1888.

Présidence de M. EDMOND LEMAIRE.

CAMESCASSE v. **LAROCHE** et **DEVILLEPOIX**.

Presse — Outrage — Diffamation — Candidat — Période électorale — Imputation de vendre son crédit — Décorations.

1. *Si les opinions, le mérite, et la vie publique d'un candidat doivent être livrés sans réserve à*