DIARY FOR MARCH.

1. Fri.....St. David.
3. Sun .....*Quinquagesima Sunday.*
5. Tue .....Court of Appeal sits. Gen. Sess. and Co. Ct. Sittings for trial in York. Holt, C. J., died 1710 æt. 65.
6. Wed .....Ash Wednesday. First day of Lent. York changed to Toronto, 1834.
10. Sun .....*Quadragesima Sunday.*
13. Wed.....Lord Mansfield born 1704.
17. Sun .....*2nd Sunday in Lent. St. Patrick's Day.*
18. Mon .....Arch. McLean 8th C. J. of Q. B. 1862.
24. Sun .....*3rd Sunday in Lent.*
28. Thu .....Lord Romilly appointed M. R. 1851.
30. Sat.....B. N. A. Act assented to 1867. Reformation in England began 1534
31. Sun .....*4th Sunday in Lent.*

Early Notes of Canadian Cases.

SUPREME COURT OF CANADA.

MUIR *v.* CARTER.

Appeal—Matter in controversy—Bank shares—Actual value—Opposition—Shares held "in trust"—Substitution—Res judicata.

In this case the appeal arose out of an opposition filed by the appellant to the seizure of thirty-three shares of Molson's Bank stock, part of a larger number seized under a writ of execution to levy $31,125 and interest, pursuant to a judgment obtained in a suit of *Carter* v. *Molson*. The par value of the stock was $50 per share, equal to $1,650; but it was shown by affidavit, to the satisfaction of the learned Chief Justice of the Court of Queen's Bench of the Province of Quebec, that at the time the opposition was filed and the appeal brought, the shares were worth $2,500. The Chief Justice therefore allowed the appeal.

On a motion to quash for want of jurisdiction on the ground that the value of the matter in controversy did not amount to $2,000,

Held, that under sec. 29 of the Supreme and Exchequer Courts Act, the sum or value of the matter in controversy determined the right to appeal, and such value was the actual value of the shares, which was properly established by an affidavit to be over $2,000.

TASCHEREAU, J., dissenting, on the ground that the right to appeal was governed by the statutory value of the shares, $50 per share, and not by their market value.

The appellant, as curator to the substitution created by the will of the late Hon. John Molson, by his opposition, claimed that the shares seized were the property of the substitution. The respondent contested the opposition, pleading *chose jugee*, and that the stock never belonged to the substitution.

At the trial it was proved that the shares had been purchased, when A. Molson was solvent, with moneys belonging to the substitution, and had been entered in the books of the bank as shares belonging to "A. Molson, Esq., in trust;" that he subsequently dealt with them as his own property and pledged them, but that at the time of the seizure the shares had been retransferred to the account of A. Molson in trust for E. A. M., *et al.*

It was also admitted that the interest on these shares had been previously seized; and that, upon an oposition filed by A. Molson as institute under the will, and upon petitions to inte. ene filed by E. A. M. and E. A. M., *et al*, claiming that the interest being interest on shares forming part of 640 shares belonging to the estate of the late Hon. J. Molson, was not arrestable for A. Molson's debts, the Privy Council dismissed the opposition and rejected the petitions to intervene, but stated that anything decided with regard to the validity of the substitutions would not be binding upon the petitioners as *res judicata*: *Carter* v. *Molson*, 10 App. Cas. 674.

On appeal to the Supreme Court it was

Held, reversing the judgment of the Courts below, that the plea of *res judicata* was not available.

2. That the words "in trust" import an interest in somebody else, and that the evidence clearly establishes that the present appellant as curator to the substitution is the owner of the *corpus* of the shares in question.

Sweeny v. *Bank of Montreal* (12 App. Cas. 617) followed.

Appeal allowed with costs.

Laflamme, Q.C., for appellants.

H. Abbott, Q.C., for respondent.

DANSEREAU *v.* BELLEMARE.

Patent—Carriage-tops—Combination of elements—Novelty.

In an action for damages for the infringement of a patent called "Dansereau's Carriage-Tops," consisting in the combination of