

XX. WHO MAY PROSECUTE.

1. In a prosecution for selling liquor without license under the Consolidated Statutes of Lower Canada, cap. 6—*Held*, that such prosecution may be brought in the name of the municipal council, and that such council was qualified to prosecute in virtue of 24 Vict., cap. 29, sec. 4. *Vaillancourt vs. The Municipal Council of the Parish of St. Roch's of Quebec*, S. C. 1866, 16 L. C. R. 227.

2. Under the License Amendment Act of 1874 (37 Vic., cap. 3, sec. 11), actions or prosecutions for offenses committed against the license law may be brought by any private individual, and a conviction at the suit of A. B., deputy revenue officer, is good, as the prosecution was by and in the name of a private individual. *Ochstaryer Exp.*, 1 Dorion's Q. B. R. 99, Q. B. 1880.

3. And it is not necessary by the conviction to condemn the defendant to pay the costs of the warrant of commitment, nor those for conveying defendant to gaol, as this is ordered by C. S. C., cap. 103, ss. 62 and 69. (*Ib.*)

XXI. WRIT OF PROHIBITION.

1. In a prosecution before the Judge of Sessions for the infringement of a License Act, a prohibition will lie when there is a question of fact in the case which would not come up on certiorari. *Molson vs. Lambe*, Q. B. 1886, 31 L. C. J. 59.

2. A writ of prohibition only lies where the interior Court has no jurisdiction over the matter in controversy, and irregularities existing in the proceedings before the two Justices of the Peace do not deprive them of their jurisdiction. *Latibert vs. Fortin*, Q. B. 1893, 2 Que. 573, reversing C. R. 3 Que. 385.

INVENTORY.—(See Successions.)

1. **Errors and Informalities in.**—A defendant who omits to insert therein two debts due by himself will be condemned to add them to the inventory, but will not be condemned to forfeit his interest therein (as one of the heirs of the deceased) in the absence of proof of fraud. *Shaw vs. Cooper*, S. C. 1861, 6 L. C. J. 38, and see *Ecé vs. Ecé*, Perrault's Prevosté p. 58.

2. — The inventory of a succession is not null for want of having been judicially closed, nor by reason of errors or omissions, when there is no fraud nor dishonesty of any kind. *Gingras vs. Gingras*, S. C. 1881, 7 Q. L. R. 204.

3. — It does not follow that because some of the formalities have not been observed, that the inventory is not to be considered legal, if the person making it acted in good faith, and that these omitted formalities do not in any way affect the rights of the party complaining. *Archambault vs. Citizens' Insurance Co.*, S. C. 1880, 24 L. C. J. 293.

4. Where an inventory erroneously drawn up, has been signed by parties ignorant of the defect, the party adversely affected can demand the nullity of the same. *Foucault vs. Foucault*, C. R. 1887, 31 L. C. J. 97.

5. **Valuation of Effects.**—The parties to an inventory, who consider that the valuation of some of the effects enumerated therein by experts appointed by such parties, is excessive, and whose protests have been inserted in the inventory, cannot, by action, demand the revision of the inventory in respect of such valuation. *Gadoua vs. Remillard*, C. R. 1888, 19 R. L. 193.

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