

passenger constituted the driver his agent, but that 'under all the circumstances the plaintiff must be taken to be in the same position as the driver.' A rule which to support it could only be stated over again was not likely to stand, and with the great weight of authority now supporting the view taken by the Court of Appeal, English Law has probably said its last word on the subject.—*Law Journal*, (London).

### APPEAL REGISTER—MONTREAL.

Monday, May 16.

*Baker v. Brossoit*.—Petition for leave to appeal from interlocutory judgment. Rejected without costs.

*Ryan v. Sanche*.—Motion to dismiss appeal. Granted for costs.

*Gilman & Gilbert*.—Motion to complete record. Granted by consent.

*Cayotte Lascierai & The Queen*.—On the writ of error the plaintiff asks to be heard by counsel without the prisoner being present, as the proceedings are had *in forma pauperis*. Application withdrawn. The plaintiff in error then files a petition for a writ of *habeas corpus* addressed to the Warden of the Penitentiary. Petition granted.

*Dorion & Dorion*.—Case struck.

*Chauveau & Benoit*.—Case struck.

*Senécal & Beet Root Sugar Co.*—Case struck.

*Barnard & Molson*.—Heard on merits. C.A.V.

*Fletcher & Chevrier*.—Heard on merits. C.A.V.

Tuesday, May 17.

The Court adjourned for want of a quorum.

Wednesday, May 18.

*The Mayor et al. & Brown*.—Motion to dismiss appeal granted for costs only.

*North Shore Railway Co. & McWillie et al.*—Motion to dismiss appeal granted for costs only.

*Cayotte Lascierai v. The Queen*.—The parties having been heard, the plaintiff in error was remanded until the 23rd inst.

*McTavish & Fraser*.—Heard. C.A.V.

*Ryan & Sanche*.—Called, struck.

*Jodoin & Lanthier*.—Heard. C.A.V.

*Wade et al. & Mooney et al.*—Heard on merits. C.A.V.

Friday, May 20.

*Dorion & Dorion*.—Heard on appeal from interlocutory judgment. C.A.V.

*Canadian Pacific Railway Co. & Chalifoux*.

—Heard on merits. C.A.V.

*Archambault & Lalonde*.—Heard. C.A.V.

Saturday, May 21.

*Ryan & Sanche*.—Called, struck again.

*Stephens & Chaussé*.—Heard. C.A.V.

*City of Montreal & Ecclesiastics of Seminary*.

—Continued to next term by order of the Court.

*Redfield & La Banque d'Hochelaga*.—Called, struck.

*Allan & Merchants Marine Ins. Co.*—Called, struck.

*Canadian Pacific Railway Co & Cadieux*.—Heard. C.A.V.

Monday, May 23.

*Joseph Cayotte dit Lascierai v. The Queen*.

—Judgment reversed, and conviction quashed.

*Gilmour & Lapointe, Paradis, Daoust, Paradis, Boismenu, Paradis, Allaire, Brouillette, Mauroit*.—Nine appeals. Heard. C.A.V.

*The Montreal City and District Savings Bank & Exchange Bank*.—Case settled out of Court.

*Ogilvie et al. & Exchange Bank*.—Case settled out of Court.

*City of Montreal & Labelle*.—Heard. C.A.V.

*Kelly & Holiday*.—Submitted on factums. C.A.V.

*Baxter & McDonald*.—Struck from the roll.

Wednesday, May 25.

*Lemieux & Fournier*.—Motion to dismiss appeal. Ordered to be heard with the merits.

*Newton & Seale*.—Heard. C.A.V.

*Newton & Hammond*.—Heard. C.A.V.

*Palliser & Strong*.—Heard. C.A.V.

*Rivet & City of Montreal*.—Motion for substitution granted.

*Lemieux & Fournier*.—The appellant not appearing, the appeal was dismissed.

*Beckett & La Banque Nationale*.—Heard. C.A.V.

*Monette & Poirier*.—Heard. Judgment confirmed, each party paying his costs in the three Courts; Tessier, J., *diss.*

Thursday, May 26.

*Cie Minière de Colraime & McGawran*.—Judgment confirmed.