

answers on *faits et articles*, to be printed in an appendix, as are required for the proper adjudication of the questions in issue between the parties.

7. Such joint case shall be in the same form, and in other respects be subject to the same rules, and will entitle the parties to it to the same fees as if separate cases had been filed.

8. Forty copies of each case or of the joint case shall be filed in each cause.

9. No case not in conformity to the above rules shall be received by the Clerk of this Court or filed in his office, nor shall be taxed against the adverse party, except by leave of the Court or of a Judge thereof, which may be granted on such terms and conditions as the Court or Judge shall direct.

10. No party shall be heard on the merits unless his case or factum shall have been filed at least forty-eight hours before the case is called for hearing.

11. The above rules shall take effect as to all cases filed from and after the 10th day of September next, from which date all other rules of practice on the subjects provided for by the present rules shall be held to be revoked.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, June 11, 1879.

Sir A. A. DORION, C. J., MONK, RAMSAY, TESSIER and CROSS, JJ.
BENNY et al., appellants; and MOAT, respondent.

Insolvency—Appeal—40 Vic. c. 41, s. 28.

The appellants having moved for leave to appeal to the Privy Council from the judgment of the Court of Queen's Bench in Appeal,

The Court refused leave to appeal, the amending Act, 40 V. c. 41, having taken away the right of appeal in insolvency cases. The Chief Justice intimated that the Privy Council, on application being made to that tribunal, would probably allow the appeal.

Bethune & Bethune for appellants.

Abbott, Tait, Wotherspoon & Abbott for respondent.

MONTREAL, June 14, 1879.

Sir A. A. DORION, C. J., MONK, RAMSAY, TESSIER and CROSS, JJ.

JOHNSTON, appellant; and LEAF et al., respondents.

Judgment in insolvency case—Appeal.

The respondents moved to dismiss the appeal which was from a judgment under the Insolvent Act, the notice having been given after eight days had elapsed from the date of the judgment.

The Court granted the motion (Insolvent Act, 1875, s. 128).

Doutre & Co. for appellant.

Bethune & Bethune for respondents.

MONTREAL, June 20, 1879.

Sir A. A. DORION, C. J., MONK, RAMSAY, and TESSIER, JJ.

DEMERS (plff. below), appellant; and THE CITY OF MONTREAL (deft. below), respondent.

Expropriation—Irregularity in proceedings—Notices.

In 1874, the City of Montreal resolved to widen several streets, and, among others, the eastern end of St. Mary street. Two-thirds of the cost of the improvement was to be borne by the proprietors benefited, and the remaining one-third by the city. Commissioners were named according to law, and they proceeded to fix the indemnity to be paid for the land taken for the purpose. The appellant, Demers, received the amount to which he was entitled by the report of the commissioners. But the assessors had another duty to perform. Besides estimating the indemnity to be paid to persons whose land was taken for the enlargement of the street, they had to establish the amount to be contributed by the proprietors held to be benefited. In doing this, they committed an error in not taking the last revised assessment roll, as required by 37 Vict. c. 51. The Corporation discovered the error, and abandoned the collection of the amounts as assessed on the roll made by the commissioners. But they applied to the Legislature to have another roll made; the Legislature granted their prayer, and by 39 Vict. c. 52, s. 6, commissioners were