

CORPORATION OF TOWNSHIP OF GRANTHAM (defts. below), Appellants, and COUTURE et al. (plffs. below), Respondents.

Promissory note of Municipal Corporation—Alleged want of authority.

The respondents obtained a judgment *ex parte* on the following promissory note:—

\$872.02

Sorel, 12 Juillet 1877.

Trois mois de cette date pour valeur reçue, la Corporation municipale du township de Grantham promet payer à l'ordre de L. A. Senecal, au bureau de la Banque des Marchands, ici, la somme de \$872.02 courant.

P. N. DORION, Maire.
J. T. CAYA, Sec. Tresorier.

The defendants appeared but did not plead. They now appealed from the judgment, on the ground that the Mayor and Secretary Treasurer had no authority to sign the note on behalf of the municipal corporation, without being authorized to that effect by a resolution of the council, and that no authorization had been proved in this case.

The appeal was dismissed, the Court being of opinion that the note being apparently regular, and the appellant having failed to object to the want of authority in the Court below, could not be permitted to attack the judgment on that ground now.

A. Germain for appellants.

M. Mathieu for respondents.

SCROGGY (deft. below), Appellant, and GORDON, (plff. below), Respondent.

Appeal—Reasons of appeal founded upon alleged irregularities of procedure in Court of first instance, of which appellant did not complain in Review.

The appeal was from a judgment of the Court of Review, condemning the appellant in the sum \$100 damages, for having illegally and without probable cause issued a writ of *saisie-arrêt* before judgment against the effects of respondent. It appeared that in 1873 Gordon was residing on a farm at Rawdon, and his father-in-law McEwen was living with him. The appellant, Scroggy, under a transfer from McEwen, which had not been signified, issued the *saisie-arrêt* in question, and Gordon's effects were seized, but the action was not returned. Gordon then sued for damages, and Scroggy appeared, but did not

plead. Judgment went for \$1.50 only. Gordon thereupon carried the case to the Court of Review by which the amount of damages was increased to \$100. It was from this judgment that Scroggy (now represented by his assignee Beausoleil) appealed, the grounds of appeal being numerous irregularities of procedure in the Superior Court.

Sir A. A. DORION, C.J., remarked that Scroggy had filed a *factum* in the Court of Review, in which he made no mention of the alleged irregularities. He had acquiesced in the judgment of the Superior Court, and asked for its confirmation. Now he wished to appeal from it. The judgment must stand confirmed.

Monk & Butler for Appellant.

Beique & Choquet for Respondent.

STATUTES OF QUEBEC, 1879.

(ASSEMBLY BILL NO. 121.)

(Hon. Mr. Mercier, Sol. Gen.)

An act respecting Coroners' Inquests.

Whereas it is expedient to put an end to the holding of useless inquests in the Province of Quebec, in the case of sudden deaths arising from accidents and without the commission of any crime; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. No coroner shall hold an inquest on the death of any person unless he is furnished with a certificate signed by a justice of the peace establishing that there is reason to suspect that such death had been caused by the commission of a crime, or when such inquest is demanded by a requisition in writing signed by the mayor or the *curé*, pastor or missionary of the locality or by a justice of the peace of the county.

2. After or during such inquest, the coroner may give an order to bury the body of such person, and this order shall always be considered as an authorization to proceed with such burial.

3. The body of any person, suddenly deceased, by pure accident and whose decease has not given rise to such information, as above mentioned, shall be buried in the ordinary manner; and no certificate or authorization shall be required in order to proceed with such burial.