

SIR A. A. DORION, C. J., said the judgment appealed from was in accordance with the decision of this Court in *Fulton & McNamee*. There were a few cases in which the admission of the defendant could be divided, but this was not one of them. There was no proof of any fraud, and the answers on *faits et articles* were not inconsistent with the plea. The fact that O'Brien only brought his action four years after the deed of sale was passed, afforded a strong presumption of the truthfulness of the story which the defendants had stated in their pleas.

Judgment confirmed.

John L. Morris for Appellant.

Abbott, Tait, Wotherspoon & Abbott for Respondent.

THE STATUTES.

As a considerable time must elapse before the Statutes of the Quebec Legislature, sanctioned on the 11th instant, can be issued to the public, we propose to insert some of the more important Acts as finally amended, and sanctioned by the Lieutenant-Governor. The Acts are not yet chaptered, but the text here given may be accepted as a correct version of the Statutes. Where the Act itself does not specify the time when it comes into force, it takes effect sixty days after the date of its sanction, viz., Sept. 11, 1879.

(ASSEMBLY BILL NO. 99.)

[Honorable Mr. Church, M. P. P.]

An act to amend article 1068 of the Code of Civil Procedure with respect to the service and execution of certain writs issued out of the Circuit Court in certain cases.

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:—

1. The following paragraph is added to article 1068 of the code of civil procedure:—

"Any writ of summons, subpoena or writ of execution, issued out of any circuit court, in any county in this province, may be served by any bailiff residing in the judicial district in which said county is situate, but no more costs and emoluments for serving or executing such writ, shall be allowed or taxed against any defendant, than would have been allowed had such writ or subpoena been served by the bailiff

residing nearest to the residence of the defendant; provided nevertheless, in any case in which the plaintiff establishes to the satisfaction of the clerk of the court, or the judge exercising jurisdiction in the district in which such writ issues, that such writ or subpoena should be addressed to and executed by some other bailiff, it may be so addressed and executed; in which case the costs to be taxed against the defendant, or other person, shall be taxed as from the residence of such bailiff, and for the distance actually travelled by him.

2. This act shall come into force on the day of its sanction.

(ASSEMBLY BILL NO. 122.)

[Mr. Wurtele, M. P. P.]

AN ACT RESPECTING TRUSTS.

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:—

1. All persons capable of disposing freely of their property, may convey property movable or immovable to Trustees by gift or by will, for the benefit of any person or persons in whose favor they can validly make gifts or legacies.

2. Trustees, for the purposes of their trust, are seized as depositories and administrators for the benefit of the donees or legatees of the property movable or immovable conveyed to them in trust, and may claim possession of it, even against the donees or legatees for whose benefit the trust was created. This seizin lasts for the time stipulated for the duration of the trust; and while it lasts, the Trustees in their capacity as such, may sue and be sued and take all judicial proceedings for the affairs of the trust.

3. The donor or testator creating the trust may provide for the replacing of Trustees as long as the trust lasts, in case of refusal to accept, of death, or other cause of vacancy, and indicate the mode to be followed. When it is impossible to replace them under the terms of the document creating the trust, or when the replacement is not provided for, any judge of the Superior Court may appoint replacing Trustees, after notice to the benefited parties.

4. Trustees dissipating or wasting the property of the trust, or refusing or neglecting to carry out the provisions of the document creat-