

Burroughs vs. Bourget.—When a law issue is raised in a case by demurrer, the case must be heard thereon before it can be inscribed at enquête. Taschereau J.

Mantha vs. Coghlan & Fraser oppt.—When the affidavit produced with an opposition afin d'annuler is not sworn to by the opposant, the deponent must state therein that he is duly authorised in that behalf. Opposant allowed to amend affidavit. Taschereau J.

12th March, 1872.

Lebel vs. O'Brien.—In an affidavit for *capias*, the plaintiff stated the defendant was indebted to him in the sum of £15 "pour effets d'épicerie vendus et livres à Quebec," and gave no other statement as to the indebtedness. The reasons given for his belief that the defendant was about to leave the country, was certain information he had received, but the names of his informants were not given. Held that the affidavit was insufficient on both these points, and *capias* quashed. Taschereau J.

COURT OF QUEEN'S BENCH.

8th March, 1872.

Kerr vs. Regina.—Reserved case. In an indictment for wounding with intent to murder, the offence must be charged to have been committed by the prisoner wilfully, maliciously, and of his malice aforethought, and judgment will be arrested when indictment defective in this respect. Duval C.J., Badgley and Monk JJ.; diss. Caron and Drummond JJ.

Talbot vs. Blanchet.—In action for the recovery of property lost by the plaintiff and found by the defendant, the only proof of the finding was the admission of the defendant; held, that verbal evidence thereof could be adduced without a "commencement de preuve par écrit." Drummond & Monk JJ. diss.

RECENT DECISIONS IN THE PROVINCE OF ONTARIO.

Since the confederation of the Provinces there have been but two decisions in Ontario upon the provisions of the "British North America Act, 1867."

One decision was of an important character, by the Court of Queen's Bench, in relation to the constitutionality of the Statutes of Ontario, 32 Vict. c. 32, respecting the regulation of shop and tavern licenses. A complaint was made under the local act by the defendant against one George Lindsay, for selling ale by retail without license, which the defendant compromised for a small sum. The chief constable of Toronto proceeded against Boardman for compounding this offence, and secured his conviction. Thereupon a *habeas corpus* was brought,