

*Cross & Bancroft*, in support of exception.

*Morrison*, contra.

*Day, J.*, The Court cannot maintain this exception. The writ shows that it was served on the right party, and the bailiff has taken a quality as Bailiff of the Superior Court, and we are bound to know our own officers. Had the bailiff taken no quality but merely signed, it would have been different.

*Exception dismissed.*

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No. 1933.

*Mucfurlane v. Rodden & al.*

PROMISORY NOTE.—USURY.

Held, that the 16 Vic., c. 80, has cut off all the remedies against usury established by 17 Geo. III., c. 3.

This was an action for balance due on a promisory note, made by Defendant in favor of Plaintiff. The Defendant met the demand by an exception of usury. To this exception the Plaintiff demurred.

*Bethune & Dunkin*, in support of demurrer.

*A. & G. Robertson*, contra.

*Day, J.*, The remedies against usury are established by 17 Geo. III., c. 3. Since then all these remedies, without reservation, have been cut off by 16 Vic., c. 80.

*Demurrer maintained.*

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*Ex parte Boineau*

CERTIORARI.

The Applicant had been condemned in Commissioners Court on Wednesday, and it was contended in support of application for a writ of Certiorari, that Commissioners had not jurisdiction on that day.

*Godin*, for Applicant.

*Day, J.*, Commissioners Courts by the Statute creating them must be held on the first Monday of each month, unless that day be holiday, in which case they are to be held on the Tuesday; but, there is nothing to prevent the Commissioners adjourning the Court to any other day they please. It does not appear that this judgment was not rendered on a Wednesday, to which the Court had been adjourned.

*Certiorari refused.*

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No. 878.

*Ex parte Narcisse Landry.*

FOR A WRIT OF CERTIORARI.

On the 7th of April last, the said Narcisse Landry was arrested on the warrant of Marcel Poirier, Esquire, one of Her Majesty's Justices of the Peace for the District of Montreal, on the accusation of one Germain Richard, for having, on the evening of the 4th April last,