

clerk, as the case may be, in accordance with the report.

"343j. If the reference is had before three or more referees and their report is unanimous, the judgment based thereon shall not be subject to review by three judges, and the appeal is brought directly to the Court of Queen's Bench.

"343k. In appeal, the court shall inquire into the merits of the contestation as well as the grounds of nullity of the referees' report."

7. The following article is added to the said Code after Article 467.

"467a. In cases of *capias*, attachment before judgment, attachment for rent, conservatory attachment, and in all cases of urgency, the writ may be issued outside office hours without having judicial stamps thereon, provided that the amount of such stamps be deposited with the officer issuing the writ, who is bound to affix the stamps upon the *fiat* as soon as possible."

8. Article 221 of the said Code is repealed and replaced by the following:

"221. The parties may be examined upon articulated facts pertinent to the issue and as witnesses, as soon as the pleas are filed, upon the facts in issue as then joined."

9. Article 573 of the said Code is amended by striking out the word "and" in the first line, and by adding after the word "Montreal" in the same line the words "and of Three Rivers and in the town of Sorel."

10. Article 601 of the said Code is amended by adding after the word "sheriff" the words "or bailiff four days after the sale."

11. Articles 645, 663, 678, 679, 680, 688, 692, 712, 720, 730, 735, 736, 737 and 738 of the said Code are amended by adding after the word "court" in each of these articles the words "or the judge."

12. Article 812 of the said Code is amended by adding thereto the following:

"The Commissioner cannot issue a similar warrant at the *chef-lieu* of a district unless it be established before him by affidavit that it was impossible for the plaintiff or his agent to obtain such writ of *capias* from the prothonotary or his deputy."

13. Article 813 of the said Code is amended by substituting the word "sheriff" for the word "gaoler" in the third line thereof.

14. Article 1335 of the said Code is repealed and replaced by the following:

"1335. He may sell the immovables and shares or stock in manufacturing or financial associations, by following the formalities established by law for voluntary licitations, upon the advice of the parties interested present at a meeting convened for that purpose in the manner prescribed by the judge.

Such sale as respects immovables cannot be had except with the consent of the hypothecary creditors."

PRIVY COUNCIL.

LONDON, March 25, 1885.

Present:—LORD BLACKBURN, SIR BARNES PRA-COCK, SIR R. P. COLLIER, SIR R. COUCH, SIR A. HOBHOUSE.

MACDOUGALL, (plff. below), Appellant, and PRENTICE, (plff. below), Respondent.

Partnership—Partition of common property—Indemnity for reduction of share of one partner.

In a division of common property between partners M., one of the partners, agreed to take certain shares as his interest in a transaction, but in consequence of a claim by a third party (which was a partnership liability) these shares passed into other hands and could not be delivered to M. Held, that under the agreement between the partners M. was entitled to have his portion made good out of the partnership assets, and the value of the shares not delivered to him should be calculated as at the time of the partition or agreement between the partners settling their respective rights.

The appeal was from a judgment of the Court of Queen's Bench, Montreal, reported in 7 Legal News, p. 162.

PER CURIAM. The appellant in this case who was the plaintiff below, and the respondent who was defendant, were partners in business. The plaintiff brought his action on the 18th April, 1872, for an account of the partnership affairs, and for the purpose of recovering from the defendant 80 shares in the Canada Lands Purchase Company, or the value of such shares, which the plaintiff put at \$240,000. Upon the partnership accounts, apart from