

There are two contestations upon separate collocations, one in favor of the School Commissioners, the other in favor of the town of St. Henri. MacLaren is not proprietor of the lands, but has a first mortgage on them. The taxes of 1876, 1877 and 1878, he says, are prescribed, and a great portion of the lands taxed are public streets, and not taxable. MacLaren has succeeded in the Court below.

We all think that the judgment complained of, freeing the street surfaces from taxation, cannot be disturbed, and, therefore, the ventilation ordered must go on.

Dispute is as to whether the prescription allowed by the Court below (of \$443) ought to be held improperly allowed, the parties collocated claiming that there has been interruption, by payments on account, and by virtue of an arrangement (December 1879). The payments on account are not proved; credit is given for them by the Secretary Treasurer of St. Henri; he writes down the payments in his book; but, as said by me in another case just disposed of, a plaintiff or creditor cannot make proof for himself, or make interruptions of prescription by merely writing them down in his books. Can the arrangement of December, 1879, affect MacLaren, seeing that he is not party to it, and that Wilson could not bind him? Let Wilson be bound as he arranged; but MacLaren is not bound, being a third person not party to the arrangement. It is error to say that MacLaren, not owner of the lands but only a mortgage creditor, is to be bound by all or any treaties that his debtors, the land-owners, may make. Yet the counsel for St. Henri insists that "it is evident that he is so bound." Art. 2229 of our Code is formal in favor of MacLaren.

Judgment confirmed.

Longpré & Co., for plaintiffs.  
Trenholme & Taylor, for contestant.

COURT OF REVIEW.

MONTREAL, Feb. 28, 1883.

TORRANCE, J., DOHERTY, J., RAINVILLE, J.

CHARTRAND V. THE CORPORATION OF THE COUNTY OF ST. JOHN.

Registrar—Claim for furnishing, heating and cleaning office.

Where a county registrar, who had never applied to the County Council to make provision for heating and cleaning the registry office, brought suit for the cost of such service at the end of 17 years, held that there was no right to recover.

TORRANCE, J. The plaintiff, who is registrar of the County of St. John, claims from the county \$935. His declaration states that he has been such registrar for 17 years; that the registry office has always been kept in a building belonging to the defendant, that the defendant was bound to furnish, maintain, heat and clean the said office, but has failed to do so, and this duty has been performed by plaintiff for the defendant, and the value of plaintiff's performance of this duty was at least \$50 per annum, and further, plaintiff has paid for defendant the sum of \$60 for three desks, for the advantage of defendant, and \$25 for seven chairs useful and necessary for the furnishing of said office.

The defendant denies the liability, and succeeded in the Court below.

The plaintiff examined as a witness says that when he bought the furniture it did not enter into his head that he should later claim the amount from defendant, and he never addressed himself to the Council of the County to provide for the heating and the maintenance of the office.

C. S. L. C. cap. 24, s. 26, §§ 5, authorizes the Council to pass a by-law for the acquisition, construction and maintenance of an office for the registration of deeds and of a fire-proof vault; but I see no reason to say that the appeal is well founded. The judgment should be confirmed.

Judgment confirmed.

Lacoste, Globensky & Bisailon, for plaintiff.  
Beique & McGoun, for defendant.

SUPERIOR COURT,

MONTREAL, Jan. 25, 1883.

Before RAINVILLE, J.

ERNEST ANDERS V. CHARLES HAGAR.

Mandamus—Inspection of minute book.

The shareholders and creditors of a joint stock company have a right to demand inspection of the minute book of the directors; when it appears by the evidence that said minute book may contain certain entries required to be kept in the company's books under 40 V., cap. 43, § 36.

This was a petition for mandamus, served upon the defendant as president of the Pioneer Beet Root Sugar Company. It appeared that the petitioner was a creditor and shareholder of the company, and as such made an application to defendant as president, to be shown the