

make or refuse, and so it is not appealable to this court.

Appeal dismissed with costs.

Riddell, Q.C., and John A. Robinson for appellants.

Glenn for respondents.

Quebec.]

[May 9.]

PONTIAC CONTROVERTED ELECTION.

Election petition—Judgment—R.S.C., c. 9, s. 43—Enlargement of time for commencement of trial—R.S.C., c. 9, s. 33—Notice of trial—Shorthand writer's notes—Appeal—R.S.C., c. 9, s. 50 (b).

In the Pontiac election case, the judgment appealed from did not contain any special findings of fact or any statement that any of the 20,000 charges mentioned in the particulars were found proved, but stated generally that corrupt acts had been committed by the respondent's agents without his knowledge, and declared that he had not been duly elected and that the election was void. On an appeal to the Supreme Court on the ground that the judgment was too general and vague,

Held, that the general finding that corrupt acts had been proved was a sufficient compliance with the terms of the statute 49 Vict., c. 9, s. 43.

On the 10th October, 1891, the judge in this case within six months after the filing of the petition by order enlarged the time for the commencement of the trial to the 4th November, the six months expiring on the 18th October. On the 19th October another order was made by the judge fixing the date of the trial for the 4th November, 1891, and the respondent objected to the jurisdiction of the court.

Held, that the orders made were valid: ss. 31, 33, c. 9, R.S.C.

Held, also, (1) that the objection to the insufficiency of the notice of trial given in this case under s. 31 of c. 9, R.S.C., was not an objection which could be relied upon in an appeal under s. 50 (b) of c. 9, R.S.C.

(2) That evidence taken by a shorthand writer not an official stenographer of the court, but who has been sworn and appointed by the judge, need not be read over to the witnesses when extended.

Appeal dismissed with costs.

O'Gara, Q.C., and Aylen for appellant.

McDougall for respondent.

[June 2.]

THE CORPORATION OF THE TOWN OF LEVIS v. THE QUEEN.

Expropriation of land—Value of land taken—Award by Exchequer Court judge—Appeal.

The Supreme Court will not interfere with the award of the judge of the Exchequer Court as to the value of land expropriated for railway purposes where there is evidence to support his finding, and such finding is not clearly erroneous.

Appeal dismissed with costs.

Belleau, Q.C., for appellants.

Angers, Q.C., for respondent.

FLATT v. FERLAND.

Fraudulent conveyance—Action to set aside by a creditor—Amount in controversy—Appeal—Jurisdiction—R.S.C., c. 135, s. 29.

In December, 1889, F., a trader, sold to G., respondent, certain real estate in Montreal which was mortgaged for \$7000; for \$8000 with a right of *reméré* for one year.

In January, 1890, F. made an assignment, and I. F., *et al.*, creditors of F. in the sum of \$1880, brought an action against G. to have the deed of sale of the property, which was valued at over \$11,000, set aside as made in fraud of his creditor. G. pleaded that he was willing to return the property upon payment of the sum of \$1000 which he had advanced to F., and the courts below dismissed F., *et al.*'s, action. On appeal to the Supreme Court of Canada,

Held, that as the appellants' claim was under \$2000 and that they did not represent F.'s creditors, the amount in controversy was insufficient to make the case appealable. R.S.C., c. 135, s. 29.

Appeal quashed with costs.

Belcourt for respondents.

Brosséau for appellants.

Nova Scotia.]

[May 2.]

PEOPLES BANK OF HALIFAX v. JOHNSON.

Contract—Consideration—Stifling prosecution.

L. was a member of the firm of H. & A. L., doing business at Lockport, N.S., and also local agent of a bank in that town. As such agent he had embezzled the bank's money, and the cashier of the bank obtained a bond from J.,