

the opinion that the plaintiff had been treated "very scurvily." Probably the dog was tired of so "scurvy" a master and wished to find a worthier patron. The next time the plaintiff meets him straying he will leave him to the tender mercies of the dog-stealers.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

QUEBEC, Feb. 7, 1885.

Before DORION, C.J., RAMSAY, TESSIER, CROSS and BABY, JJ.

LA CORPORATION DE ST. JOSEPH, BEAUCE, APPELLANT, and THE QUEBEC CENTRAL RAILWAY Co., Respondent.

Railway—46 Vic. (Can.) Cap. 24.

The Dominion Railway Act, 46 Vic. Cap. 24, has not the effect of abrogating the provisions of the Quebec Railway Act with respect to the local railways to which the Dominion Act applies.

Prohibition to magistrate—not to proceed on complaint of the appellant against the respondent for having obstructed a highway in contravention of the provisions of the Railway Act. The complaint was avowedly taken out under the Quebec Railway Act of 1880. The prohibition was made absolute on the ground that the Quebec Central was a railway which cut the Intercolonial Railroad, and therefore, that, although it was a company existing under a Quebec statute, it had become a work of general interest to Canada, under the provisions of the Act of the Parliament of Canada, 46 Vic. c. 24, and that it had ceased to be governed by the Quebec Railway Act.

RAMSAY, J. This judgment appears to me to be unsound. The local governments have the power exclusively "to make laws in relation to"

"10. Local works and undertakings other than such as are of the following classes:—"

"c. Such works as, although wholly situated within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more Provinces."

Assuming that the Dominion Parliament has in passing the 46 Vic., c. 24, sect. 6, acted within the provisions of the B. N. A. Act, sect. 91, ss. 29, and sect. 92, ss. 10, c., it does not pretend to have annulled all past legislation of the local legislatures with regard to these branch lines. On the contrary, by subsect. 2 (46 Vic.) the previous legislation is expressly reserved, except as regards ss. 5, sect. 15 of the Dominion Railway Act of 1879. I don't see anything else in the 46 Vic. changing the law in respect of the matter before us. Therefore, I think that the Local Railway Act, 1880, is in force, and applies to the railways for which it was framed, and of whose charter it is a part. If Parliament had abrogated the local railway acts we should then have been obliged, perhaps, to decide the question as to the constitutional effect of a general act of that sort. We are to reverse.

Sir A. A. DORION, C.J., did not think it necessary to go further than to say that the provisions of the Dominion Railway Act and the Railway Act of Quebec were substantially the same, and that, therefore, it did not signify which was in force: one of them certainly was. He concurred in the judgment reversing the decision by which the prohibition was declared absolute.

Judgment reversed.

COUR DE CIRCUIT.

MONTRÉAL, 3 mars 1885.

Coram CARON, J.

DENIS V. DENIS, et DENIS, opposant.

JUGÉ: *Que bien que le dernier des huit jours requis par l'article 572, C.P.C., pour la publication des avis de vente, soit un dimanche ou un jour férié, ce jour est compté comme un jour juridique.*

Une saisie exécution fut pratiquée en cette cause le 14 février 1885, et les avis de vente furent donnés le même jour pour le 23 de ce mois, le huitième et dernier jour du délai étant un dimanche.

Le défendeur prétendant le délai insuffisant, produisit à l'encontre de la saisie une opposition afin d'annuler par laquelle il allègue:—

Que la saisie est irrégulière, illégale et nulle.