

et liquides is not strictly a good answer in law. They need not be *clairs et liquides*. It is sufficient that they be susceptible of easy liquidation, which is not only sufficiently alleged, but an absolutely ascertained and stated amount is averred. Answer in law dismissed with costs.

COUR SUPÉRIEURE.—Montréal, 19 novembre, 1873.

Coram.—JOHNSON, J.

ROY *et al.*, rs. BEAUDIN.

JUGÉ :—Qu'un créancier qui poursuit un failli pour le recouvrement d'une somme d'argent qui lui est due, (*capias* en même temps), n'est pas tenu de procéder au nom du syndic.

The present action is demurred to by the defendant; and the sufficiency of the declaration is the question before the Court. It sets up that the defendant is insolvent and made an assignment, on the 7th June, 1873, and that the plaintiffs are his creditors, alleging a series of debts which he owes them for goods sold, and for promissory notes, some overdue and some exigible by reason of defendant's insolvency. It then alleges sequestration of property with intent to defraud the creditors; and that a regular meeting of the creditors, held according to law, on the 27th June, 1873, the defendant failed to give any reasonable or satisfactory statement of his affairs, and that a deficit of over \$3,300 was found to have taken place, in the three months immediately preceding his assignment, which he could not account for. The plaintiffs then allege that, on the 2nd July, 1873, they received information from persons whom they name, that the defendant had, within the 15 days immediately preceding his assignment, sold goods to an amount of \$100 and more, and, within two months of the action (issued 7th July) he sold large amount of goods, of which no mention is made in his statement. That on the very day of his assignment, the defendant removed or concealed a portion of his property with intent to defraud the plaintiff and his creditors. That, at a meeting of creditors, he made false statements, and omitted to disclose important facts and entries in his books. That immediately