

The Daily Record.

AND JUDICIAL NEWS.

Vol. 3—No. 62

MONTEAL, TUESDAY, AUGUST 11th, 1891.

Price 5 cents

REAL ESTATE.

Sales from:

Henry Roman to George A Locker, of lot 1703-84, St Antoine ward.

Jessie Chowler wife of Frederic Whitley, to Jessie C Wyld, wife of Henry C Scott, part of lot 1759-13, said ward.

D A Mc Caskill to Ths R Cowan, part of lot 25, St Lawrence ward.

A E Clement alias Froulx dit Clement, to Sarah Burgess, wife of Francis Cox, of lot 1202-95, and the south east half of lot 1202-96, St James ward

Pierre Chicoine to M Lecuyer, of lot 186-44, parish of Montreal.

Clement Leduc to La Ville St Henri, of lot 1630 and of the rear part of lot 1637, said parish.

François X Lenoir, to the same of the south east part of lot 1812, said parish.

JUDICIAL NEWS

TUTELLE DEPARTMENT.

Damase Larivière, of Montreal, merchant has been appointed tutor to the minor children issue of the marriage of the late Cyrille Jodoin, with the late Dame Eudoxie Benoit, in their lifetime of St Bruno, and Augustin Jodoin, of St Bruno, bailliff, subrogate-tutor.

Cyrille Blais, of Montreal, trader, has been appointed tutor and Adonias Granger, of the same place, clerk subrogate-tutor, to the minor Child, issue of the marriage of the late Nap Granger, with the late Marie Blais, in their lifetime of Montreal, hotelkeepers.

The petition of Dame Georgiana Sureault dit Blondin, wife separated as to property of Leonard Auguste Fortier, of the same place, merchant, in her quality of beneficiary heiress of the late Joseph Sureault dit Blondin, her father, to prevent her rights and claims being confounded with any obligations connected with the said succession, has been granted by the Superior Court.

Dame Corinne Leblanc, now of Ste Cunegonde, widow of the late Julien Brunet, in his lifetime of Smith's Falls, Brakeman, has been appointed turtix to her minor children and Joseph Filiatrault, of the parish of St Zotique, butcher, subrogate-tutor.

INSOLVENCY NOTES.

DIVIDENDS.

In re Napoléon Morin, merchant and Henry A Bedard, curator.

A first and last dividend sheet prepared, subject to objection until the 17th inst, payable on or after the 18th, inst.

In re Arsene Gaudreau merchant, insolvent and Henry A Bedard curator.

A first and last dividend sheet, prepared, subject to objection until the 17th inst, payable on the 18th, inst.

In re F X Letourneau & Co, Quebec, insolvents and D Arcand, curator.

A first and final dividend sheet of 41 p. cent, prepared, open to objection until the 11th, inst, payable, on or after said date.

In re Cree, Scott & Co, of Montreal, shirts and collars, manufacturers insolvents and A F Riddell, curator.

A first dividend sheet prepared open to objection until the 17th, inst after which date it will be paid.

MAGISTRATES COURT.

Judgments rendered on the 7th August.

MONTEAL.

T Duguay v. P Ernest Fugère, \$48, Ethier & Co. Acc.

R Charbonneau v. Dme E Champagne, \$29, Ethier & Co. Acc.

W Rawley v. Dme Suz Alderson, \$7, Berard & Co. Acc.

Same v. Jas Welsh, \$16, Berard & Co. Acc.

H W Garth et al, v. C Wm Riepert, \$27, Beaudin & Co. Acc.

Same v. E St Onge, Lachine, \$1, Beaudin & Co. Acc.

Wm Lapointe v. George Lapointe et al, \$21, L P Dupré. Acc.

CIRCUIT COURT.

Judgments rendered on the 7th August.

C G Roy v. Hormisdas Richer, St Cunegonde, \$23, Roy & Co. Lease.

COURT OF REVIEW.

JUDGEMENT.

Wardle vs. Prowse.—Johnson, Ch. J.—This action was brought to recover from the defendant the amount of his three promissory notes overdue, and he pleaded in effect that the action was premature because by a deed of the 2nd August, 1891, the plaintiff had given him a delay for the payment of his debt, and agreed to take it in three, six, nine and twelve months from the date of the deed. The plaintiff answered that the deed of extension had been drawn, and had been signed by the plaintiff; but was never executed by the defendant, who neglected to sign it, and in fact it was superseded as regarded the other creditors who subsequently agreed to take 75 cents in the dollar, to which, however, the plaintiff was not a party.

The suit was commenced on the 11th of November, and served on the 12th, while the

first instalment would only have become due on the 27th. The court below held the action to have been prematurely brought. The only question, then, is whether the plaintiff was bound by the non-executed deed of the 20th August. We hold that he was not. The defendant cannot avoid the payment of his notes by pleading the benefit of agreement he never assented to, so as to give the other the right to exact the conditions of it. Then the defendant was examined as the plaintiff's witness, and he is interrogated in this way.

I ask you if it is not true that you never paid any attention to the deed of extension that you were to pay in three, six, nine and twelve months? He answered: Well, that was all sent over again: knocked on the head. The plaintiff is not to lose his recourse on the notes, unless he has the benefit of the deed. The defendant's property has been sold, and after agreeing with his other creditors to pay them 75c on the \$, to which the plaintiff was not a party, the defendant actually refused to pay the first instalment under the deed which even then the plaintiff would have taken. Judgment reversed with costs.

SHERIFF'S SALES.

894 Naz Villeneuve v. T Xiste Villeneuve, Sheriff's Office, Aug, 21st 10 a.m.

One building lot in St Louis ward, on the level of Sanguinet Street with one half of a brick house two story high etc., being the N W. half of lot 160.

2720 Jos A Lussier jr, v. Jos Guimond, Longueuil, Aug, 21st 10 a.m.

A piece of land, Longueuil, with a house and other buildings thereon erected.

2273 Chs Cassils v. John Cassils, Sheriff's Off., Aug, 29, 10 a.m.

One lot bounded in front by Notre Dame Street, another lot, same Street with a stone warehouse etc.

Province of Quebec, district of Montreal, No 4896, Magistrates Court. Alex Boudreau, plaintiff v. E. C. Thibault, defendant. On the 19th day of August, 1891, at one of the clock in the afternoon, at the domicile of the said defendant, No 92 Dufferin Street, in the city of Montreal, will be sold by authority of justice, all the goods and chattels of the said defendant, seized in this cause, consisting of household furniture, etc. Terms, cash.

J. B. PERRAULT, B.S.C.
Montreal, 10th August, 1891.

Province of Quebec, district of Montreal, No. 2752, Magistrates Court. Louis Tessier, plaintiff v. Delano Delage, defendant. On the 19th day of August, instant, 1891, at one of the clock in the afternoon, at the domicile of the said defendant No. 72 Cadieux Street, in the city of Montreal, will be sold by authority of justice, all the goods and chattels of the said defendant, seized in this cause, consisting of household furniture etc. Terms, cash.

J. B. PERRAULT, B.S.C.
Montreal, 10th August, 1891.

DAILY RECORD AND JUDICIAL NEWS.

Writs returned in Magistrates Court.

No.	PLAINTIFF.	DEFENDANT.	OCCUPATION.	RESIDENCE.	RETURNED.	AMOUNT.	ATTORNEY.	REMARKS.
...	F X Bastoul	Jos Charpentier		St Henri	5 Aug	30 00	David & Demers	
...	T Duguay	P Ernest Fugère		Montreal	do	48 00	Ethier & Forget	
...	Dme O Brosseau	Jos F Morrisette		do	do	25 00	do	
...	H Charbonneau	Pierre Vannard		Mile-End	do	4 00	Jacques, Alph	
...	E Valade	Bernard McMann		Montreal	do	9 00	do	
...	Geo Fauré	Cyprien Desjardins		St V. de Paul	do	11 00	do	
...	E Robillard	Gaudin Trepanier		Montreal	do	17 00	do	
...	do	Alex Lebel		do	do	4 00	do	
...	do	Geo Hebert		do	do	2 00	do	
...	H Lapointe	Dme Annie Picotte		do	do	44 00	do	
...	Dme E Peloquin	Arthur Gauthier		do	do	36 00	Lacoste, J C.	Sol. att. bef. judgt.
...	F Breton	Ulric Arcand		do	do	43 00	do	do
...	P Collin	Jean Tanguay		do	do	50 00	do	
...	P Patenande	Ant Primeau		do	do	9 00	Dupuis & Lussier	
...	H A Wilder et al	C Frs Nadeau		do	do	13 00	do	
...	do	Wm Garbut		do	do	19 00	Bairville, Imbault & Goss	
...	do	Pierre Delorme		do	do	12 00	do	
...	do	Wm Cunningham		St Henri	do	33 00	do	
...	do	Adjutor Gingras		Ste Cunégonde	do	23 00	do	
...	do	Hyp Moffatt		Montreal	do	16 00	do	
...	do	Walter Sutcliffe		do	do	13 00	do	
...	T Monette	Jos Dupuis		do	do	44 00	do	
...	Dme M E Gareau	Jos L Brouillet		do	do	14 00	Gagnon A.	
...	J T Lanoix	Wm Haddlesy		do	do	38 00	do	
...	M Laporte	Ls M Parent		do	do	8 00	Beaudin & Cardinal	
...	J Ferrault	Arthur Gauthier		do	do	3 00	do	
...	E Picard	John Elliott		do	do	8 00	Lighthall & Macdonald	
...	J B Monier et al	Nap Despin		do	do	26 00	Gaudet Oscar	
...	J Dussault	Geo Bergeron		do	do	2 00	Leclair P.	

Executions issued in Magistrates Court.

No.	PLAINTIFF.	DEFENDANT.	OCCUPATION.	RESIDENCE.	ISSUED.	AMOUNT.	ATTORNEY.	REMARKS.
5681	Dme E Vineberg	Osius Fallenaume		Montreal	6 Aug	46 00	Hutchinson & Oughtred	
5576	Dme C Labbé et vir	G Labelle		do	do	35 00	St-Julien, J A	
5386	T Deloge	Alph. Viau		do	do	11 00	Beaudin & Cardinal	
5593	G Fauré	Jos McGraw		do	do	11 00	Béard & Brodeur	
5778	Wm H Jamieson	The McIntosh		Montreal	7 do	28 00	Guerin, & Feron	
5780	J J McSherry	do		do	do	26 00	do	
2970	A D Desormeau	Armand Barolet		do	do	23 00	Beaudin & Cardinal	
2988	C Berthelot	Elie Gagnon		do	do	11 00	Jacques Alph	
5668	E Lavigne	J Nar Tessier		Hebertville	do	29 00	Ethier & Forget	
4822	D MacDonald	John Murray		Montreal	do	29 00	do	
				do	do	5 00	Hebert, J.	

BAILIFFS' SALES.

No.	PLAINTIFF.	DEFENDANT.	PLACE OF SALE.	DATE OF SALE.	BAILIFF.	REMARKS.
5639	M Rhéanne	Ulric Pichette & Ls. Dugal m.c.c.	296a Lafontaine	10 a.m.	Dansereau J.	Sold Furniture.
5527	H Lapointe	Mag. Rhéanne	33 Frontenac	9 a.m.	Douost O.	

PARTNERSHIPS.

E. E. Duquet, M D E Hopkins, architect, Louis Longpré, Louis Dutoir, merchant, Benjamin Bernard, trader, F H Perrault, physician, Henry Trenholme, farmer, Joseph Bernard, farmer, Wm Kerr, gentleman, Euclide Forest, butcher, Joseph Longpré, Joseph Toupin, farmer, James Clark, farmer, Joseph U Laurin, butcher, Pierre Bluteau, joiner, Jérôme Robert, farmer, Jacques Archambault, farmer, Louis Reeves, laborer, Louis Longpré, fils, trader, Narcisse Desrochers, joiner, Dame veuve Nazaire Duval, all of the parish of Longue-Pointe, Joseph Pepin, carrier, as well personally as in the name of the succession of the late J B Dumont, Pierre Lépine, merchant, Dame veuve Louis J Léonard, Antoine Colletterie, joiner, Louis Gervais, trader, Avila Toupin, barber, Edmond Rousseau, joiner, Marcel Lachapelle, joiner, Alexis Toupin, hotel-keeper, Felix Toupin, gentleman, Edmond Morrisseau, hotelkeeper, Ls. A Boyer, inspector, Paul Galibert, manufacturer, all of Montreal. Felix Defoy, gentleman, of Point-aux-Trembles, J Bte Jodoin, farmer and Louis Pepin, farmer, both of the parish of St Leonard de Port Maurice, under the firm name of "Bernard & Co.," to operate a public scale in the parish of Longue-Pointe, since the 1st July, last 1891.

J Moise Boutillier of Montreal, trader, there doing business alone as cattle trader, and hotel keeper, under the name of "J B Roy," since 6th August inst.

Charles Fortier and Daniel Seguin, both of Montreal, traders, doing business there as traders in horses etc, under the name of "C Fortier & Cie.," since 7th August, 1891.

Dme Victorine Ste Marie, of Montreal, wife separated as to property of Vital Bergeron, of the same place, clerk, there doing business alone as "marchande publique," under the name of "Mde V Bergeron," since 1st May, 1891.

DAILY RECORD AND JUDICIAL NEWS.

Writs returned in Circuit Court.

No.	PLAINTIFF.	DEPENDANT.	OCCUPATION.	RESIDENCE.	RETURNED.	AMOUNT.	ATTORNEY.	REMARKS.
....	H B Andrews	P J Mount	& American Cigarette Co. T.S.	Montreal.....	7 Aug	55 00	Chaplan, Hall, Sirols & Brown	Sai aft. judgt.
....	D Sleeth	Fred. Cooper	& Sicily Asphaltum P. Co. T S	do	do	5 00	Hutchinson, M.	do
....	U Gelinas	Pierre Michelin	do	do	do	10 00	Godin, Eug. H.	Ejectment.
....	G Gale	F X Roy	do	do	do	63 00	Greenhields, Greenhields & Mallets	
....	V J E Brouillet	John Dumbull	do	do	do	8 00	Jeannotte, H.	
....	J Archibald et al	Jos A Laferrière	do	Maisonneuve	do	86 00	Chaplan, Hall, Sirols & Brown	
....	H Hogan	Andrew T Keegan	do	Berthierville	do	63 00	do	
....	F Plouffe	Léon Cardinal	do	Montreal	do	11 00	Laurendeau R	
....	S Viau	Wm Charette	do	Mile-End	do	21 00	Doutre, J B	
....	W Bolduc	Lambert Bélanger	do	Ste Cunegonde	do	30 00	do	
....	P Beau	Adjutor Gingras	do	do	do	2 00	Maréchal, L Th.	
....	A Roy	Jos E Normandeau	do	Ste Cunegonde	7 do	32 00	Jeannotte, H J	
....	P Precourt	Henri Brault	do	Mile End	do	1 00	Gagnon, A	
....	De E Martineau	Stan Corbell	do	Coteau St Louis	do	6 00	do	
....	do	Trifié Martinson	do	Mile End	do	4 00	do	
....	do	Felix Lamarhe	do	Coteau St Louis	do	3 00	do	
....	De Ethier	Alfred Migneault	do	St Henri	do	12 00	do	
....	P Poulin	De E M H Lomer et vir	do	Montreal	8 do	61 00	Lafortune, D A	
....	E Norman	Telephore Crevier	do	Ste Rose	do	23 00	Villeneuve F E	
....	S Lavallee	Wilfrid Roy	do	Montreal	do	89 00	David, J A	
....	Waxon Bros Mfg Co.	Clement St Julien	do	do	do	25 00	Greenhields, Greenhields & Mallets.	
....	B Freedman	Arm Dufort	do	do	do	21 00	DeLormier & Co.	
....	De M C Sanche et vir	J E Dion	do	St Telephone	do	21 00	Laflamme & Co.	
....	do	do	do	Robertson Sta(Ar)	do			

Executions issued in Circuit Court.

No.	PLAINTIFF.	DEPENDANT.	OCCUPATION.	RESIDENCE.	ISSUED.	AMOUNT.	ATTORNEY.	REMARKS.
5768	A A Valiquette	Mary McGarty		Montreal	7 Aug	11 00	Charbonneau, N.	
3464	A Dalbec	Theop. Sénécal et al		Ste Cunegonde	do	21 00	Dalbec, A	

COURT OF REVIEW.

JUDGEMENT.

Labelle vs. Didier—Johnson, Ch. J.—The plaintiff by his action claimed a balance of \$125.53 for work upon the defendant's house in Berri Street, and also for work done to the wing of the convent at Ste. Marie de Monnoir.

The defendant pleaded that the work upon the convent had not been finished, and the plaintiff had no action until all the work he had undertaken was terminated. The judgment went for plaintiff for \$52 and costs, as in an action for that amount, without costs of enquete.

We confirm that judgment to that extent ; but then it proceeded to condemn the plaintiff to pay the defendant his costs for the difference between the sum recovered, and that for which the action had been brought, as if the defendant had raised a distinct contestation as to the exact amount by offering what he admitted to be due.

The case of Daoust and Dumouchel (p. 40, vol. 6, M. L. R.), and Clermont v. McLeod, same volume, p. 36; and the case of Couture v. Canadian Pacific Railway Company, decided 30th December, 1890, leaves us no choice, unless this court is ready to abdicate its au-

thority in such matters, as to the conclusion we must come to with respect to the latter part of the judgment in the case before us and we have therefore to reverse it in that particular.

The plaintiff, however, who inscribes the case wants to get more than the \$52 awarded him. As to that we find the judgment in all respects conformable to the evidence ; so that it is confirmed except as to the condemnation of plaintiff to pay the defendant's cost, where there is no tender or distinct issue as to the amount actually due. The plaintiff is entitled to his costs in review.

SHERIFF'S SALES.

857 J M Lamothe v. Honoré Belleau, Sheriff's Off., Aug. 14th, 11 a.m.

A piece of land, occupied as one lot, St James ward, bounded in front by Maple Street with buildings.

1081 Chs Lefebvre v. Dme Marie L Peltier, Laprairie, Aug. 14th, 10 a.m.

A piece of land, Laprairie Village, with a house, store etc.

2575 Le Credit Foncier Franco Canadian v. Ed Marcell, jr, St Isidore, Aug. 14th 11 a.m.

Four lots, St Isidore, Seigniorly of Chateauguay, with buildings.

2641 La Banque Nationale v. Toussaint Aubertin and E Desrochers

2644 Same v. Eusebe Desrochers, and Thomas, Aubertin.

553 La Banque J Cartier v. Toussaint Aubertin, Longueuil, August, 14th, 10 a.m.

Lot No. 34, Longueuil fronting on St Lawrence river with a house, barn, etc., erected.

Province of Quebec, }
District of Montreal. }

IN THE SUPERIOR COURT.

No. 2595.

Dme JULIE LEMOINE, of the city and district of Montreal.
Plaintiff.

v.
EDOUARD LEFEBVRE, of the same place.
Defendant.

An action for separation as to property has been instituted this day.

Montreal, July 4th, 1891.

BENARD & LAROSK, Attys for Plaintiff.

7—9-16-23-30. 8.—11.

Province of Quebec, }
District of Montreal. }

IN THE SUPERIOR COURT.

No. 448.

MARY DELANEY, of the Town of St Henry, District of Montreal, wife of JOHN P. SEYBOLD, trader and butcher, of the same place, duly authorized to enter en justice à l'effet des présentes,
Plaintiff.

v.
The said JOHN P. SEYBOLD, trader and butcher, of the said Town of St Henry, said District, Defendant.

An action en separation de biens has been instituted in this court on the Twentieth day of July instant.

Montreal 24th July 1891.

F. LEFEBVRE, atty for Plaintiff.

7. 28. 8. 6-11-18-29.

