

1917
 *Nov. 2.

KRAUSS v. MICHAUD.

ON APPEAL FROM THE COURT OF KING'S BENCH, APPEAL SIDE, PROVINCE OF QUEBEC.

Appeal—Jurisdiction—Abandonment of property—Fraudulent bilan—Imprisonment.

APPEAL from the judgment of the Court of King's Bench, appeal side (1), affirming the judgment of the Superior Court, District of Montreal, and maintaining the respondent's contestation.

The appellant, an insolvent trader, made a judicial abandonment of his property. The respondent, a curator to the estate duly authorized, filed a contestation of the statement or "bilan" produced by the appellant.

The trial court maintained the contestation and condemned the appellant to be imprisoned for a term of six months.

The appellant appealed to the Court of King's Bench on two grounds: first, that the evidence did not justify the condemnation and, secondly, that this evidence had not been taken within the delays fixed by the Code of Civil Procedure.

On appeal to the Supreme Court of Canada, the case was called and, on the date of the hearing of the case, after hearing counsel on behalf of both parties, the court quashed the appeal for want of jurisdiction, no costs to either party as the question had not been raised by the respondent.

Appeal quashed.

Henry Weinfeld K.C. and *M. Sperber* for the appellant.

Peter Bercovitch K.C. for the respondent.

*PRESENT:—Sir Charles Fitzpatrick C.J. Davies, Idington, Duff and Anglin JJ.

(1) Q.R. 26 K.B. 504.