

price in \$9,000 of stock allotted to her in the Temiskaming Company. But this ostensible transaction made no real difference to the working of the license. For although the company was constituted in January, 1910, a document is produced, namely, the oath of Cornelius McGuire, furnishing a statement "of the total number of pieces of saw-logs, boom timber, and other timber, got out by or for the said A. McGuire and Company, or otherwise acquired by them, during the past winter." This statement was made in terms of the Crown Timber Act, and is dated the 28th May, 1910. It is in these circumstances impossible, in their Lordships' view, for the respondents to set up the plea that they acquired the rights of McGuire and Company in good faith, and are so entitled to defeat the execution laid on at the instance either of McPherson or of Booth. As already mentioned, it was upon the timber so cut that execution was levied, and to relieve the execution upon it and to meet the issue in this action an arrangement as to the setting aside of \$10,000 was made. In their Lordships' opinion, the whole circumstances are such as to shew that there has been an attempt to defeat the rights of the execution creditors, and that the respondents were aware of this attempt, and have pursued a course of conduct with a view to its success.

In the result, their Lordships are of opinion that the rights of both of the appellants under the three executions referred to fail to be satisfied out of the \$10,000 secured by the bond, and that the appellants should be found entitled to the costs of this appeal and in the Courts below.

Their Lordships will humbly advise His Majesty that the judgments appealed from should be reversed, that the cause be remitted to the Court of Appeal to dispose of the actions in accordance with this judgment, and that the costs should be dealt with as above stated.