The respondent, as curator for the estate of W. E. Elliott & Co., claimed that the pledge of the 200 barrels of oil on the 10th August and the giving of the notes on the 16th July to the bank were fraudulent preferences. The Superior Court held that the bank had knowledge of W.E.E.'s insolvent condition on or about the 16th July, and declared that it had received fraudulent preferences by receiving W.E.E.'s customers' notes and the 200 barrels of oil; but the Court of Appeal, reversing in part the judgment of the Superior Court, held that the pledging on the 200 barrels oil by Elliott, Finlayson & Co. on the 10th August was not a fraudulent preference.

On an appeal and cross appeal to the Supreme Court,

Held, (1) that the finding of the courts below of the fact of the bank's knowledge of W. E. Elliott's insolvency, dated from the 13th July, was sustained by evidence in the case, and there had therefore been a fraudulent preference given to the bank by the insolvent in transferring over to it all his customers' paper not yet due. GWYNNE, J., dissenting.

(2) That the additional security given to the bank on the 10th August of 54 barrels of oil for the substituted notes of Elliot, Finlayson & Co. was also a fraudulent preference. GWYNNE, J., dissenting.

(3) Reversing the judgment of the Court of Queen's Bench, and restoring the judgment of the Superior Court, that the legal effect of the transaction of of the 10th August was to release the pledged 146 barrels of oil, and that they became immediately the property of the insolvent's creditors and could not be held by the bank as collateral security for Elliott, Finlayson & Co.'s substituted notes. Arts. 1169 and 1034 C.C. GWYNNE and PATTERSON, JJ., dissenting.

Appeal allowed and cross appeal dismissed with costs.

Macmaster, Q.C., and *Geoffrion*, Q.C., for the appellant.

Lash, Q.C., and *Morris*, Q.C., for the respondent.

VAUDREUIL ELECTION CASE.

MCMILLAN *v.* VALOIS.

Election petitions—Separate trials—R.S.C., c. 9, ss. 30 & 50—Jurisdiction.

Two election petitions were filed against the appellant, one by A.C., filed on the 4th April, 1893, and the other by A.V., the respondent, filed on the 6th April. The trial of the A.V. petition was by an order of a Judge in Chambers dated the 22nd September, 1892, fixed for the 26th October, 1892. On the 24th October, the appellant petitioned the Judge in Chambers to join the two petitions and have another date fixed for the trial of both petitions. This motion was referred to the trial judges, who on the 25th October, before proceeding with the trial, dismissed the motion to have both petitions joined, and proceeded to try the A.V. petition. Thereupon the appellant objected to the petition being tried then, as no notice had been given that the A.C. petition had been fixed for trial, and subject to such objection filed an admission that sufficient bribery by the appellant's agent, without his knowledge, had been committed to avoid the election. The trial judges then delivered judgment, setting aside the election. On an appeal to the Supreme Court,