

partnership having been sold, realized, and disposed of, the execution creditor lost any benefit which he might have derived from the seizure of specific assets and the sale thereunder of the undivided interest of the execution debtor therein; and nothing passed to the wife by the sale to her.

Per OSLER, J. A.—The husband was not a proper party to this action, the purchaser at the sale under the execution being the only person interested in getting rid of the assignment.

Judgment of a Divisional Court, 1 O.L.R. 303, affirmed.

O'Donohoe, K.C., and Norris, for appellants (plaintiffs). Aylesworth, K.C., and H. G. Kingstone, for respondents (defendants).

From Ferguson, J.] TUCKETT-LAWRY v. LAMOUREAUX. [April 12.
Will—Annuity—Ademption—Evidence.

A testator gave by his will to each of two daughters an annuity for life of \$6,000. After making the will he gave to one daughter absolutely bonds sufficient to produce an income of a little more than \$1,200 a year, and by a codicil reduced her annuity by that amount. He subsequently also gave to the other daughter absolutely bonds sufficient to produce an income of a little more than \$1,200 a year, and instructed his solicitor to alter his will so as to reduce her annuity by that amount. He died suddenly and the will was not altered.

Held, that the doctrine of ademption applied, and that notwithstanding the different nature of the two gifts, and even without the evidence of intention, the second daughter's annuity must be treated as reduced pro tanto.

Held, also, however, that the evidence of intention was admissible and was conclusive.

Judgment of FERGUSON, J., 1 O.L.R. 304, affirmed.

Martin, K.C., and Aylesworth, K.C., for appellant. Shepley, K.C. and Ambrose, for respondents.

From Divisional Court.] [April 12.
IN RE TOWNSHIP OF NOTLAWASAGA AND COUNTY OF SIMCOE.

Assessment and taxes—Equalization of assessment—Appeal to County Court Judge—Time for delivering judgment—Imperative enactment.

The provision in sub-s. 7 of s. 88 of the Assessment Act, R.S.O. 1997, c. 224, that the judgment of the County Court Judge on appeal from the equalization by the county council of the assessment of the county shall not be deferred beyond the 1st day of August next after such appeal, is imperative. Judgment of a Divisional Court, 3 O.L.R. 169, reversed.

Hewson and Creswicke, for appellants. Haughton Lennox, for respondents.