

[Sept. 25.]

FIELD v. HART.

Exemptions—Execution—R.S.O., c. 64, s. 2—Bills of sale and chattel mortgages—Description.

An execution debtor can do as he pleases with the statutory exemptions, and his execution creditor cannot take advantage of the fact that they are insufficiently described in a bill of sale thereof by the execution debtor.

Where in an interpleader issue the claimant alleges that the goods seized include the statutory exemptions, that is a question for trial in the issue, and is not to be left to the sheriff to deal with.

Judgment of the County Court of Ontario reversed.

"One piano, Dominion make, number 2773," is a sufficient description in a bill of sale.

Judgment of the County Court of Ontario affirmed.

F. J. Travers for the claimant.

Moss, Q.C., for the execution creditor.

HIGH COURT OF JUSTICE.

Common Pleas Division.

Div'l Court.]

[July 13.]

BROUGHTON v. THE TOWNSHIP OF GREY.

Municipal corporations—Drainage by-law—Obligations of initiating and contributory townships respectively—Consolidated Municipal Act, 1892—55 Vict., c. 49, ss. 579, 580, 585.

Where a township municipality has passed a by-law, purporting to be under s. 585 of the Consolidated Municipal Act, 1892, for the purpose of making certain alterations and improvements in a drain, and has served an adjoining municipality, which is to be benefited by the work, with a copy of the engineer's report, etc., showing the sum required to be contributed by the latter, as directed by s. 579; and the by-law of the initiating township is, as a fact, irregular and invalid;

Held, per MEREDITH, C.J., the contributory township is, nevertheless, not only entitled, but bound, within the four months prescribed by s. 580, to pass the necessary by-law to raise their share of the estimated cost.

Held, per ROSE, J., the contributory township cannot be required to pass a by-law raising its shares till the initiating municipality has passed a valid by-law adopting the report providing for the doing of the work, including the raising of its proportion of the funds. But in this case the portion of the by-law of the initiating township adopting the engineer's report and directing the construction of the work might properly have been sustained on motion to quash by a ratepayer of that township, and an order quashing have been confined to the portion providing for raising the funds, as to which an amending