representing that I have retired from the candidacy for the Secretaryship of the Bar here, will you allow me space enough to say that I have been and still am awaiting the fulfilment of the promise made me two years ago by a large majority of the members of all classes, that as soon as the present incumbent should have received his due share of the honor, they would consider me next entitled to the position.

I remain, &c.,

C. H. STEPHENS.

Montreal, April 20.

NOTES OF CASES.

COURT OF QUEEN'S BENCH.

MONTREAL, February 26, 1881.

DORION, C. J., MONK, RAMSAY, CROSS, BABY, JJ.

PAIGE et al. (defts. below), Appellants, and EVANS es qual. (plff. below), Respondent.

Insolvent Act of 1875, *Sect.* 133—*Sale in contemplation of insolvency.*

Appeal from judgment of the Superior Court, Montreal, Torrance, J., March 29, 1879. See 2 Legal News, p. 150, for judgment of the Court below.

RAMSAY, J. If words have any meaning the defendant, B. P. Paige, must have contemplated insolvency as a necessary termination to his proceedings for nearly 15 years. It is not very easy to determine precisely the history of Mr. Paige's commercial life; but it is pretty plain that he had had considerable experience of insolvency. In the spring of 1849 he started in partnership with W. Robertson. That partnership lasted till 1854. Then alone, as B. P. Paige & Co., till 1857 or 8, when, according to one statement, H. D. Robertson became a partner. This seems to have come to an end after successful operations. By another account Paige continued his operations *alone* under the name of B. Paige & Co. until 1861, when he failed. The failure is unquestionable. We are next told he began business again in 1868 when he got his discharge. He had then "no capital scarcely." In 1870 he took in W. Stearns as partner. That partnership lasted a year. It was not prosperous. Then there was a sham firm of E. & B. P. Paige. E. Paige was brother of the defendant. This sham firm was dissolved by his brother's death, we are not told when. He owed his brother money. He never took stock, kept no books and avowedly at the time of his insolvency had no idea of his financial position. Yet, he was paying from 14 to 20 per cent., in all about $10,000 a year as interest, and the last year of his business his principal sales (sales of threshing machines) only produced about $12,000. In face of this, in May, he suddenly bethought him of his debt to his daughter, and sold her a property somewhat under its value in May, and in July he gave an hypothec to his sister for $1,500.

The only difficulty appears to me to be as to how far this affects the purchaser. Taking section 133 of the Insolvent Act, it seems that proof of the complicity of the creditor is not required. This is not in accordance with principle, but the terms of the law are express. There is, however, some evidence against her. In the first place she is the daughter of the insolvent, her condition was not such as to render it likely she should have savings to such an amount, a connection of the family says he knows no source from which she could have acquired so large a sum. This evidence might easily have been met, if she really had acquired this money, but she is perfectly silent. It seems to me it is sufficient to throw the burden of proof on her. I think, therefore, that whether we take Section 133 alone, or along with the evidence as it stands, the judgment of the Court below was correct.

Judgment confirmed.

R. J. Gibb, for Appellants.

Macmaster, Hall & Greenshields, for Respondent.

COURT OF QUEEN'S BENCH.

MONTREAL, Dec. 21, 1880.

DORION, MONK, RAMSAY, CROSS, BABY, JJ.

MAHER (deft. below), Appellant, and AYLMER (plff. below), Respondent.

Sale—Fraud—Collusion.

Appeal from judgment of the Superior Court, Montreal, Johnson, J., April 30, 1878. See 1 Legal News, p. 232, for judgment of the Court below.

On the appeal, the judgment of the Superior Court was unanimously confirmed, it being held that the sale effected by Henry Aylmer, jr., under his power of attorney, was fraudulent and