

interests of Annie Shields, widow of the intestate. The appeal was heard in the Weekly Court at Toronto. KELLY, J., in a written judgment, said that the essential questions were, whether the appellant was out of possession of the property in question for the statutory period necessary to defeat his title, and whether those who had been declared entitled had possession for the requisite time, in such circumstances as to make that possession adverse to his. These questions the learned Judge considered at some length, reviewing the evidence, and ruled that they had been properly decided by the Master against the appellant. Appeal dismissed with costs. W. D. McPherson, K.C., and W. R. Fitzgerald, for the appellant. W. Lawr, for Annie Shields, Jessie Shields, and Catharine Leitch. J. D. Shaw, for John J. Shields. J. C. Elliott, for the London and Western Trust Company, administrators of the estate of William Shields. R. G. Ivey, for the Molsons Bank.

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RE MARCHAND AND TOWN OF TILBURY—FALCONBRIDGE, C.J.K.B.  
—AUG. 15.

*Municipal Corporations—By-laws—Motion to Quash—Municipal Works—Payment to Contractors—Delay—Discretion—Mala Fides of Applicant.*—Motion to quash by-law No. 119 of the Town of Tilbury, as amended by by-law No. 123, and also by-law No. 123. The motion was heard in the Weekly Court at Toronto. FALCONBRIDGE, C.J.K.B., in a written judgment, said that, in view of all that had taken place, as detailed in the affidavit of Mr. Odette, and in view of the fact that in entire good faith the contractors for the work had been paid \$15,750 on account thereof (the total cost of the whole work excluding the two 15 ft. sections being \$16,823), it would be an act of gross injustice for any Court to quash these by-laws or either of them unless constrained by force of law. Fortunately such was not the case. The objections were of the most technical and generally of the most trivial nature. As far as the Chief Justice had gone into them, they were quite untenable, even if the applicant were rectus in curiâ. But, in consideration of the long delay, not satisfactorily accounted for, the Court would in any case have a discretion, which should not be exercised in favour of the applicant, who had not acted and was not acting in good faith. Motion dismissed with costs. J. M. Pike, K.C., for the applicant. O. L. Lewis, K.C., for the town corporation.