

*Held*, that this rate was, under 37 Vict., c. 39, ss. 11, 12, validly imposed.

The lands owned by the defendants were originally part of the township of Sandwich West, and by a by-law of that township, confirmed by special legislation, the lands of the defendants were exempted, subject to certain specified exceptions, from all taxation for ten years from 1st of January, 1883. In 1888 the limits of the (then) town of Windsor were, under the provisions of R.S.O., c. 184, s. 22, extended so as to embrace the lands in question.

*Held*, that assuming that the water rate was a species of taxation, the effect of R.S.O., c. 184, s. 54, was to put an end to the exemption.

*Cornwallis v. Canadian Pacific Ry. Co.*, 19 S.C.R. 702, distinguished.

Judgment of the County Court of Essex affirmed.

*D. W. Saunders* for the appellants.

*A. M. Grier* and *R. McKay* for the respondents.

Stated Case.]

[May 9.]

IN RE THE ASSIGNMENTS AND PREFERENCES ACT, SECTION 9.

*Constitutional law—Bankruptcy and insolvency—Property and civil rights—Assignments and preferences—B.N.A. Act, ss. 91 (21), 92 (13)—R.S.O., c. 124, s. 9.*

*Held*, MACLENNAN, J.A., dissenting, that s. 9 of R.S.O., c. 124, An Act respecting Assignments and Preferences by Insolvent Persons, is *ultra vires* the Ontario Legislature.

*Robinson*, Q.C., and *W. Nesbitt* for the Minister of Justice.

*Irving*, Q.C., and *Moss*, Q.C., for the Attorney-General of Ontario.

From GALT, C.J.]

LEMESURIER v. MACAULAY.

[May 9.]

*Revivor—Ejectment—Limitation of actions—Lapse of time.*

An action of ejectment was brought in 1867, and was entered for trial in that year, but the trial was postponed. The original plaintiff died in 1871, having several years before conveyed the lands to one I., who in 1886 conveyed to the present plaintiff. In 1892 an *ex parte* order of revivor was obtained.

*Held*, affirming the judgment of GALT, C.J., 22 O.R. 316, that the action was governed by C.S.U.C., c. 27, and that it came to an end as soon as the conveyance to I. was made, except perhaps as to costs, for which the original plaintiff might probably have proceeded.

*W. R. Meredith*, Q.C., and *F. A. Hilton* for the appellants.

*Marsh*, Q.C., for the respondent.

From Q.B.D.]

BEAVER v. GRAND TRUNK R.W. CO.

[May 9.]

*Railways—Ticket—Refusal to pay fare—51 Vict., c. 29, s. 248 (D.).*

A passenger, who has paid his fare and lost his ticket, cannot be ejected from the train upon his failure to produce his ticket for inspection by the con-