I think the true intendment was, that, upon the taking over of these carriage works by the incorporated company, the former employees were intended to continue to render similar services and to draw the same remuneration as they had theretofore received. I do not put this as being part of the bargain, but as being the result of their continuation in the employment.

Re Morlock and Cline Limited, 23 O.L.R. 165, is very close to this case; and, as I had some doubt whether it might not be regarded as determining the point in a way opposed to my present view, I availed myself of the privilege of discussing it and Benor v. Canadian Mail Order Co., 10 O.W.R. 1091, with my brother Riddell; and he tells me that, in his view, these cases are not opposed to the opinion which I have formed. In the Benor case a by-law was clearly necessary, and in the Morlock case the distinction between cases in which a by-law is necessary and cases of the employment of a mere servant was not suggested.

For these reasons, I think the appeal succeeds, and should be allowed with costs here and below.

DIVISIONAL COURT.   MAY 9TH, 1912.

MALOUF v. LABAD.

Company—Shares—Seizure and Sale under Execution—Illegality—Want of Proper Service of Notice—Execution Act, 9 Edw. VII. ch. 47, secs. 10, 11—Place of Head Office of Company—Place of Service—Situs of Shares—Collusion—Setting aside Sale.

Appeal by the defendants other than the defendant Varin (Sheriff) from the judgment of KELLY, J., ante 796.

The appeal was head by MULOCK, C.J.Ex.D., CLUTE and RIDDELL, JJ.

E. Meek, K.C., for the appellants.

R. McKay, K.C., for the plaintiffs.

RIDDELL, J.:—In the view I take of this case, I do not think it necessary to consider the effect of the alleged collusion, etc.—but I would rest the judgment upon the simple ground that the stock was never legally seized.

In the application of a statute making exigible what was not exigible at the common law. we must attend to the exact wording of the statute; and, where the statute prescribes a