

to the appellant society in a sum of \$3,744, for which amount under the by-law his shares were charged as between P. and the society. The society immediately paid the bank the amount due by P. and took an assignment of the shares of P's debt. The shares being worth more than the amount due to the bank, the curator to the insolvent estate of P. brought an action, claiming the shares as forming part of the insolvent's estate, and with the action tendered the amount due by P. to the bank. The society claimed the shares were pledged to them for the whole amount of P's indebtedness to them under the by-laws.

*Held*, reversing the judgment of the Court of Queen's Bench for Lower Canada (appeal side), and restoring the judgment of the Superior Court, that the payment by the society of the bank's claim annulled and cancelled the transfer made by P. in fraud of the company's rights, and that the shares in question must be held as having always been charged under the by-laws with the amount of P's indebtedness to the society, and that his creditors had only the same rights in respect of these shares as P. himself had when he made the abandonment of his property, viz., to get the shares upon payment of P's indebtedness to the society. Fournier and Taschereau, JJ., dissenting.

Appeal allowed with costs.

*Lafamme, Q.C.*, and *Charpentier* for appellants.

*Béique, Q.C.*, for respondent.

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Exchequer Court.]

#### BURROUGHS v. THE QUEEN.

*Salaries of license inspectors—Approval by governor-general in council—Liquor License Act, 1883, s. 6.*

On a claim brought by the Board of License Commissioners appointed under the Liquor License Act, 1883, for monies paid out by them to license inspectors with the approval of the department of inland revenue, but which were found to be in excess of the salaries which two years later were fixed by order in council under sec. 6 of the said Liquor License Act, 1883.

*Held*, affirming the judgment of the Exchequer Court, that the Crown could not be held liable for any sum in excess of the salary