

was ample evidence to support the finding that the notice which was given came to defendant's knowledge before the acts complained of, and this, upon the authorities, is equivalent to personal service upon him.

In addition to the cases referred to in the judgment of the learned trial Judge, Macgregor v. Keily, 3 Ex. 794, may be referred to. That was an action on an attorney's bill; according to the pleading, plaintiff had rested his case upon personal service of the bill upon defendant; and it was held that proof of the delivery of the bill to a servant at defendant's residence was prima facie evidence of delivery to defendant.

In this case the learned Judge was not satisfied with the denial of defendant that the notice had come to his knowledge. The evidence shews that it was delivered to the bartender, and was placed upon the file in the bar, and remained there until, as defendant deposed at the trial, after he had received the writ he obtained it from the bar-tender.

The appeal is dismissed with costs.

STREET, J.

FEBRUARY 21ST, 1905.

CHAMBERS.

NISBET v. HILL.

*Interpleader—Seizure by Sheriff—Inconsistent Claims to Goods Seized—Form of Order—Separate Issues.*

Appeal by claimants Green and Smale from interpleader order made by Master in Chambers, ante 293.

W. J. Tremear, for appellants.

F. Arnoldi, K.C., for execution creditor.

W. H. Blake, K.C., for the sheriff.

STREET, J., dismissed the appeal with costs.

FALCONBRIDGE, C.J.

FEBRUARY 21ST, 1905.

WEEKLY COURT.

RE VAIR AND WINTERS.

*Will—Construction—Devise—Misdescription of Lots—Reference to Buildings on Lots—Title to Land—Vendor and Purchaser.*

Petition by George Vair, surviving executor of the will of Ann Dunn, vendor, under the Vendors and Purchasers Act,