

The Legal News.

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A decision of considerable interest is that which has been delivered by the Judicial Committee of the Privy Council in the case of *Prévost & La Compagnie de Fives-Lille*. The purchaser of a property at sheriff's sale refused to pay the price, because he found that the customs duties upon certain machinery incorporated with the building had not been paid, and that the Crown had then actual possession of the property, and asserted a preferential claim for the duties. The *adjudicataire* petitioned to set aside the *décret*. The courts in Montreal refused this petition, and held that the *adjudicataire* was liable to *folle enchère* for non-payment of the price. The Court of Queen's Bench declared that the property was freed from the Crown claim by the sheriff's sale, and that the *adjudicataire* had a clear title. The Judicial Committee do not decide whether a sheriff's sale purges a Crown claim or not. But they decide that the purchaser is not bound to take property which is actually held by a third party under a legal writ, and that unless the purchaser is put in possession he is not bound to pay the price. This seems to be a reasonable view of the purchaser's position, especially if the sheriff's sale does not discharge the property from a Crown claim; C. C. P. 714, s. 2.

The Lord Mayor of London, whose experience goes back thirty-five years or more, declared recently that the thoroughfares of the metropolis have within the last six weeks been flooded with obscenity to an extent unparalleled in his observation during that period. "The result," he added, "was that things had got to a sad pitch, and some strong action was necessary." Another magistrate of experience has also testified to the deplorable effects of *Pall Mall Gazette* literature and its imitations. It is worth while noting these expressions of experienced observers as opposed to the judgment of a

person like Mr. Stead, who, it seems, had never been inside the doors of a police court in his life.

The fifth annual report for 1884 of the inspector of retreats under the English Habitual Drunkards' Act, 1879, shows that five such retreats have been licensed under the Act. Accommodation is provided for sixty-two licensed patients. There were seventy-two patients admitted during the year, sixty-two of whom were discharged. The inspector thinks that, as a rule, the retreats have worked well. Of twenty-five cases of inebriety specially investigated the education of all was fairly good, in four cases marked "college," and the social position that of a gentleman. Thirteen were married, one a widower, and the rest single. In reply to the question what kind of liquor the patient has been most addicted to, one unprejudiced gentleman, who has had *delirium tremens* five times, answers "all sorts."

PRIVY COUNCIL.

LONDON, July 18, 1885.

Coram LORD WATSON, LORD MONKSWELL, LORD HOBHOUSE, SIR BARNES PEACOCK, SIR RICHARD COUCH.

PRÉVOST (adjudicataire et requérant en nullité de décret), Appellant, and LA COMPAGNIE DE FIVES-LILLE (plaintiff), Respondent, and Atty.-Gen., Intervenant.

Rights of the Crown—Customs duties—Sheriff's sale—Rights of adjudicataire—Folle enchère.

HELD—*That the adjudicataire of an immoveable at sheriff's sale is entitled to have the sale set aside where it appears that the Crown asserts a preferential claim upon machinery contained in the building and incorporated therewith, and that the property is under seizure at the instance of the Crown by virtue of a writ of assistance. The adjudicataire is entitled to delivery of the thing purchased, and even if the claim upon the property may ultimately prove unfounded, he is not obliged at his own expense to remove the hindrance to his possession.*

The judgment of the Judicial Committee reversed a judgment of the Court of Queen's