

per cent., but on appeal the court reduced the rate to 3 per cent. on investments over \$600, the learned Judge adding: "This is a larger percentage than is allowed to sheriffs, and in the case of so large an estate as this, it is, I think, sufficient remuneration."

The repealed Insolvent Act of 1875 allowed to each assignee a percentage ranging from one and a quarter per cent. to five per cent., and a similar rate has been fixed by the Ontario Joint Stock Companies Winding Up Act (R.S.O., 1887, chap. 183, sec. 21), as the remuneration of the one liquidator provided for by that Act.

In the Dominion Act, under which these proceedings are taken, Parliament has seen fit to require the business of winding up the affairs of an Insolvent Bank to be by three liquidators, although I believe in many of our banks and monetary institutions the executive management is usually placed in the hands of two officers, the president and general manager. This provision of the Act requiring three chief executive officers may, I think, be considered more as an incidental than an absolute factor in determining the question of their remuneration. The rules under the English Act prescribe a separate remuneration for each liquidator.

After a full and anxious review and consideration of all matters connected with this expeditious and so far successful winding up, I think justice will be done to both liquidators and creditors by adopting two percentage rates as the basis of the remuneration: One, the lowest rate authorized by the Insolvent Act of 1875, viz., one and a quarter per cent., and the other the lowest rate sanctioned by the court in *Thompson v. Freeman*, viz., three per cent.

It might be urged that under the authority of the latter case, I would be warranted in allowing three per cent. on all moneys collected by the liquidators; but as the allowance is a compensation for trouble, as well as responsibility, and as the statute gives the liquidators the supervision and approval of the court in executing many of their duties, they may reasonably submit, as to the least troublesome of their collections, to the lowest percentage rate authorized by a statute on an analogous subject.

The higher rate will therefore be allowed on all moneys collected by them after pressure,

and where special efforts had to be made for the realization of the assets of the bank. The lower rate will be allowed on debts and interest paid at maturity or without much effort and on debentures sold by the liquidators. The liquidators will therefore recast the accounts, and bring in statements showing their receipts under the above heads.

The claim respecting the \$203,915 taken over from Mr. Campbell cannot be considered on this application, but may be dealt with when adjusting their allowance with Mr. Campbell, or on the final winding up of their liquidation.

COUNTY OF YORK.

(Reported for THE CANADA LAW JOURNAL.)

THORNLEY v. REILLY.

Liquor License Act R.S.O. (1887) Cap. 194, Sec. 125. Notice not to deliver intoxicating liquor to a person in the habit of drinking intoxicating liquor to excess—Notice, by whom to be given—Time within which action must be brought—Interpretation Act, sec. 8, sub-sec. 39.

The provision in the Liquor License Act R.S.O., (1887) cap. 194, sec. 125, enabling the person aggrieved to require the Inspector to give the notice, required under the above section, does not confine the remedy by personal action to cases only in which the Inspector's services have been requested and in which he has acted. The six months within which the action for damages must be brought under the said section are to be computed from the time of the sale, and not from the date of service of notice.

[TORONTO, Nov. 1, 1889.]

The plaintiff, a married woman, brought an action against the defendant, a licensed hotel-keeper in the City of Toronto, alleging that her husband William Thornley had, as the defendant well knew, the habit of drinking intoxicating liquor to excess; that before the commencement of the action she gave to the defendant notice in writing, signed by her, not to deliver to her said husband any intoxicating liquors. The said notice was given pursuant to Section 125 of Chapter 194, of R.S.O. (1887), and was served upon the defendant by one Atkinson on the 12th of July, 1888. The writ of summons was issued on the 6th March, 1889. The defendant contended that the requirements of the said section had not been complied with, and that to entitle the plaintiff to succeed in the