

*Held*, 1. The burden of proving title was upon plaintiff.

2. Evidence was receivable consisting of acts of occupation, conveyances, submission to arbitration and a preliminary survey made by a deputy Crown land surveyor and produced from the files of the Crown land office, to shew that the words of the description referring to the numbers of lots on the rear line of the first division were used inadvertently for numbers 15, 16 and 17, and that the lot in dispute was not, therefore, within the limits of the grant under which plaintiff claimed.

*DesBarres v. Shey*, 29 L.T.N.S. 592, referred to.

*Paton*, K.C., for plaintiff. *Mellish* K.C., and *Kenny*, for defendants.

Longley, J.—Trial.]

[Oct. 19.

PITTS v. CAMPBELL.

*Landlord and tenant—Distress—Action by judgment creditor—Claim of fraudulent collusion—Bill of sale set aside—Costs.*

The defendant. C., leased premises to M. and G. who for a time carried on business therein. M. and G. becoming insolvent, executed a bill of sale to C. which covered all their stock-in-trade. There being a doubt as to the legality of the bill of sale under the circumstances C. proceeded against the goods by way of distress for the amount of rent then due, and the goods being suffered by M. and G. to remain upon the premises, C. levied a second and third times for rent accruing subsequently and in this way secured the whole value of the goods.

*Held*, at the suit of plaintiff, a judgment creditor, that the bill of sale must be set aside as tending to hinder and delay creditors, etc., but that in the absence of stronger evidence of fraudulent collusion between the landlord and tenants his claim for an accounting must be refused.

*Held*, nevertheless, that as plaintiff was justified under the circumstances in making his claim for an accounting, defendant must be refused costs of the claim dismissed.

*D. McNeil*, for plaintiff. *Gallant*, for defendant.

Longley, J.—Trial.]

[Oct. 19.

MONAGHAN v. MCNEIL.

*Intoxicating liquors—Wrongful seizure by Inspector—Action against.*

Plaintiffs who were wholesale and retail liquor dealers in the city of H. shipped a quantity of intoxicating liquors to the