

EXCHEQUER COURT OF CANADA.

Burbidge, J.] TYRELL v. THE QUEEN. [Nov. 3, 1898.
Customs seizure—Decision of Minister—Reference to Exchequer Court—
R.S.C., c. 32, ss. 182, 183.

A reference, under the provisions of the 182nd section of the Customs Act of a claim with the Minister's decision on which the claimant is dissatisfied, is not to be regarded as an appeal to the Exchequer Court from such decision. Under the provisions of the 183rd section the Court may deal with the matter upon the evidence before the Court, whether such evidence has been before the Minister or not.

Pugsley, Q.C., and J. M. Stevens for claimant; *Earle, Q.C., and E. H. MacAlpine* for defendants.

Province of Ontario.

COURT OF APPEAL.

From Divisional Court.] GIGNAC v. ILER. [Nov. 15, 1898.
Bankruptcy and insolvency—Fraudulent conveyance—Consideration—
Untrue statement—Onus of proof—Sheriff.

This was an appeal by the plaintiff from the judgment of a Divisional Court, reported 29 O.R. 147 (ante, vol. 34, p. 163), and was argued before BURTON, C.J.A., OSLER, MACLENNAN, MOSS and LISTER, JJ.A., on 27th September, 1898. Appeal dismissed with costs, the Court holding, on the evidence, that the deed was void under the statute of Elizabeth.

F. E. Hodgins and F. D. Davis, for appellant. *J. C. Hamilton and S. White*, for respondents.

From Falconbridge, J.] [Dec. 28, 1898.

PORT ARTHUR HIGH SCHOOL BOARD v. TOWN OF FORT WILLIAM.

Mandamus—High Schools—Pupils from adjacent municipality.

Under its Act of incorporation, 57 Vict., c. 57 (O.), the Town of Port Arthur has the same rights and powers in regard to the organization and maintenance of High Schools as other incorporated towns. A board of trustees of a High School may be appointed by resolution of the municipal council having jurisdiction; a by-law is not necessary. *In re Dawson and Sault Ste. Marie* (1889) 18 O.R. 556, disapproved.

Judgment of FALCONBRIDGE, J., ordering the Town of Fort William