ity. Notice of the levy was given by the sheriff, and within the time limited servants of the execution debtor, who had obtained judgments for their claims, placed executions in the sheriff's hands.

Held, reversing the judgment of the County Court of Elgin, by which the sheriff's scheme of distribution was affirmed, that the wage-earners were not entitled to the proceeds of the sale in priority to the first execution creditor, c. even to share in such proceeds.

Aylesworth, Q.C., and *J. A. McLean* for the appellants.

J. M. Glenn for the respondents.

MARSH ET AL. *v.* WEBB ET AL.

Title—Adverse possession—Husband and wife—32 Hen. VIII., c. 9.

This was an appeal by the defendants from the judgment of the Queen's Bench Division reversing the judgment of ROSE, J., at the trial in their favour, reported 21 O.R. 281, and was argued before HAGARTY, C. J. O., BURTON, OSLER, and MACLENNAN, JJ.A. on the 28th of March, 1892.

W. R. Riddell, Q.C., and *F. L. Webb* for the appellants.

J. K. Roaf for the respondents.

June 21st, 1892. The court, BURTON, J.A., dissenting, dismissed the appeal with costs, agreeing with the court below that on the evidence the possession of George S. Marsh was not adverse, and agreeing in their view of the result of such finding.

BURTON, J.A., dissented on the ground that the finding of the trial judge as to the nature of the possession should be accepted as conclusive.

DAVIES ET AL. *v.* GILLARD ET AL.

Assignments and preferences—Pr[illegible]—Collusion—R.S.O., c. 124, s. 2.

This was an appeal by the defendants from the judgment of the Queen's Bench Division, reported 21 O.R. 431, reversing the judgment of ARMOUR, C.J., at the trial in their favour, and was argued before HAGARTY, C.J.O., BURTON, OSLER, MACLENNAN, JJ.A., on the 31st of May, 1892.

This action was brought to set aside as a fraudulent preference a chattel mortgage made by the defendant McKellar to his co-defendants Gillard & Company on the 11th of March, 1891, before the passing of the amending Act, 54 Vict., c. 20 (O.).

Moss, Q.C., for the appellants.

W. Cassels, Q.C., and *S. King* for the respondents.

June 21st, 1892. The appeal was allowed with costs, the court holding that on the finding of the learned Chief Justice as to pressure the transaction ought not to have been set aside.

REGINA *v.* ELBORNE.

Intoxicating liquors—Sale by druggist—R.S.O., c. 194, s. 49, 50, 52, 85.

These were appeals by the Crown from three orders of the Common Pleas Division quashing three convictions of the defendant, a druggist, "for that he . . . unlawfully did sell liquor without recording the same as required by the Liquor License Act." The decision of the Common Pleas Division in one case is reported 21 O.R. 504.

The appeals were argued before HAGARTY, C.J.O., BURTON, OSLER, and MACLENNAN, JJ.A., on the 27th and 30th of May, 1892.

Langton, Q.C., for the appellant.

G. W. Meyer for the respondent.

June 21st, 1892. The court allowed the appeals without costs, holding that the convictions might properly be upheld under s. 85 for the offence of not recording sales in a book, though not for unlawfully selling.

See now 55 Vict., c. 51, s. 7 (O.).

IN RE PRITTIE AND TORONTO.

Municipal corporations — Sewer—Easement—Arbitration—Practice—52 Vict., c. 13. (O.).

A municipal corporation has power to expropriate lands for the purpose of constructing a sewer, and also the power to expropriate, as incident thereto, the right of entry thereto for the purpose of maintenance and repair.

The date of the passing of the by-law defining the lands and the nature of the rights required is the date in relation to which the compensation should be assessed.

The effect of 52 Vict., c. 13 (O.), as to the practice in moving to set aside awards considered.