"Property" includes "things in action:" sec. 2, para. (dd). So that the insolvents' right of action against H. J. Garson & Co. passed to the trustee under the assignment, and the action could not thereafter be properly continued in the name of the insolvents, and the entry of judgment in their name after the assignment was irregular. See Jackson v. North Eastern R.W. Co. (1877), 5 Ch.D. 844.

The chose in action having passed to the trustee under the assignment, it was his duty, upon getting the written permission of the inspectors, to take out a præcipe order to continue proceedings: Rules 300 to 302.

The proceedings will not be continued in the name of Osler Wade as authorised trustee but in his official name, "The Trustee of the Property of N. Brenner and Company Limited, authorised Assignor:" see sec. 16.

A præcipe order may not be sufficient to cure the irregular judgment which has been signed—an additional order may be required.

ORDE, J., IN CHAMBERS.   JANUARY 13TH, 1921.

*REX v. JOHNSTON.

Ontario Temperance Act—Magistrate's Conviction for Offence against sec. 40—Selling Liquor without License—Conviction for Second Offence—Proof of Second Offence—Admission—Sec. 58 of Act—Description of Offence—Defects in Form in Information and Conviction—Amendment under secs. 101, 102.

Motion, on the return of writs of habeas corpus and certiorari, for an order for the discharge of the defendant from custody under a warrant of commitment issued pursuant to a conviction under the Ontario Temperance Act.

James Haverson, K.C., for the defendant.
F. P. Brennan, for the convicting magistrate.

ORDE, J., in a written judgment, said that the charge laid against the defendant before the Police Magistrate for the District of Temiskaming was, that on the 15th August, 1920, at the town of Cochrane, the defendant "did unlawfully sell liquor contrary to the Ontario Temperance Act made and provided and this being his second offence." The conviction was for that he "did unlawfully sell liquor on the 15th day of August, 1920, at Cochrane, in