

treasurer's deed as "all that," etc., "being composed of all the right, title, and interest of the lessee, locatee, licensee, or purchaser from the Crown, in and to lot," etc.

Held, that the treasurer by his deed having purported to sell the interest only of a locatee or purchaser from the Crown, the power he exercised was directed to that particular estate only, which, being non-existent, there was nothing that the power could operate upon, and that the deed was invalid.

Semble, the sale was not "fairly conducted," as the advertisement describing the lands as unpatented was of such a character as to damp the sale.

Decision of *BOYD, C.*, affirmed. *Scott v. Stuart*, 211.

See COVENANTS FOR TITLE—PUBLIC SCHOOLS, 1, 3.

ASSIGNMENT.

See BANKRUPTCY AND INSOLVENCY.

ATTACHMENT.

Earnings of road.—See RAILWAYS AND RAILWAY COMPANIES, 2.

AWARD.

See ARBITRATION AND AWARD.

BAGGAGE.

Company for carriage of—By-law against soliciting.—See MUNICIPAL CORPORATIONS, 4.

BANKRUPTCY AND INSOLVENCY.

1. *Assignment for creditors—Personal estate only*—48 Vic. ch. 26, (O.)—An assignment for the benefit of creditors though confined in terms to the assignor's personal estate professed to be drawn under 48 Vic. ch. 26, (O.)

Held, that it was nevertheless not within the Act; and this action, being brought by the assignee to set aside a chattel mortgage, must be dismissed.

It is clear that it was intended under the Act to bring all the estate of the assignor into the hands of the assignee for general distribution.

Held, also, that all reference to the real estate having been struck out from the form used for making the assignment, the omission was not a "mistake, defect, or imperfection" within section 10, and capable of amendment under that section. *Blain v. Peaker*, 109.

2. *Assignment for the benefit of creditors—Sheriff as assignee—Death of sheriff*—R. S. O. ch. 124—*Action by judgment creditor—Fraudulent preference.*—An assignment for the benefit of creditors made to a sheriff under R. S. O. ch. 124, is made to him as a public functionary, and on his death the care and administration of the estate assigned devolves upon his deputy, and thereafter upon his successor in office.

It is not competent to the sheriff to disclaim or decline to act as such assignee.

Where an assignment under the statute had been made to a sheriff, who died shortly after, and proceedings were subsequently taken in their own names by judgment creditors of the assignor to set aside a transfer of property as fraudulent: