

himself. Even if it could be held that this transaction, though void as to the assignment of the right of action against *Boulton*, would yet pass the equity of redemption of *C. P. Banks*, and that the parties have a right to say that it was all it contemplated, it can be answered that any right to redeem in *Banks* was and is disputed, and must be treated on the evidence as having been considered both by *Banks* and the plaintiff as in dispute and a doubtful right, and that the assignment of it was a mere speculation, depending on the result of an anticipated or intended lawsuit. The remarks of the Master of the Rolls in *Cholmondeley v. Clinton* (a), shews how the court disapproves of the dealing with such equities; and other cases of similar import are to be found. I refer to the following cases, in addition to those mentioned before, to shew that the plaintiff should receive no relief. They but make clear the law which is to be found in the numerous cases referred to, and commented on there. *Wallis v. Duke of Portland* (b), *Reynell v. Sprye* (c), *Stanley v. Jones* (d), *Sprye v. Porter* (e), and Lord Campbell's observations at page 76. And also see the argument in *Jacob & Walker*, at page 55. Under these circumstances I think the bill must be dismissed with costs.

DUNCAN V. GEARY.

Practice—Venue—Imperfect description of premises.

The absence of a venue in the margin of a bill is not a cause of demurrer. Nor is a description of the premises which omits the township or county.

In a bill for foreclosure of a mortgage, it is not necessary to state the property or the parties to be within the jurisdiction of the court. If it be necessary that the one or the other should be within the jurisdiction that will be presumed in favour of the bill till the contrary appears.

Scmble, that no venue being stated in the margin of the bill is an irregularity, and may be taken advantage of by motion to compel the insertion of a venue.

This was a foreclosure suit, the bill in which had been

(a) 2 Jacob & Walker, p. 135.

(c) 1 DeG. M. & G. 660.

(e) 17 E. & B. 58.

(b) 3 Ves 494.

(d) 7 Bing. 369.