He assigned the policy to defendants after the date of it. The defendants paid the premiums on the policy up to the time of the assured's death on 12th April, 1902. Plaintiff claimed as administrator of the estate of the assured. The amount due on the policy was paid into Court by the insurance company, and this issue was directed.

S. W. McKeown and J. W. McCullough, for plaintiff.

D. E. Thomson, K.C., and J. A. Culham, Hamilton, for defendants.

MacMahon, J.—The question, which arose in North American Life Ins. Co. v. Brophy, 2 O. L. R. 559, 32 S. C. R. 261, under 14 Geo. III. ch. 48, sec. 1, does not arise here, the insurance company having treated the policy as a valid contract by paying the money into Court; and the defendants are, by virtue of the assignment to them, the owners of the policy, they having paid and satisfied the mortgage to the insurance company. Worthington v. Curtis, 1 Ch. D. 419, Vezina v. New York Life Ins. Co., 6 S. C. R. 30, and Hallendal v. Hillman, 28 O. R. 342 *n.*, followed.

Judgment for defendants upon the issue with costs.

October 30th, 1902.

DIVISIONAL COURT.

MACLELLAN v. HOOEY.

Assessment and Taxes—Tax Sale—Objections to Validity—Uncertainty as to Lands Assessed—Irregularities—Statute Curing—Defects in Advertisement of Sale—New Trial—Absence of Material Witness—Taking Chances.

Appeal by plaintiff from judgment of Meredith, J., dismissing an action to recover possession from defendant of lots 5, 6, 7, and 8 on the east side of Maclellan avenue in the town of Trenton, and to set aside a tax sale under which defendant claimed. The defendant in the alternative claimed a lien for taxes paid and for improvements. The plaintiff proved a paper title in himself, and upon defendant putting in his proofs of a tax title, the plaintiff relied upon certain objections to its validity, which were overruled by the trial Judge.

H. L. Drayton, for plaintiff.

H. S. Osler, K.C., and W. C. Mikel, Belleville, for defendant.

The judgment of the Court (Street, J., Britton, J.) was delivered by

Street, J.— . . . It was argued that the sale of the lots in question for arrears of taxes was invalid as to lots 7