

evidence it could not be concluded that he intended to quit Ontario for the purpose of defrauding his creditors.

If a man has no assets, his leaving the country affords no evidence in itself of any intention to defraud creditors; or, in other words, if a debtor's remaining in the province can be of no assistance to his creditors in recovering their debts, his leaving the province cannot by any possibility be a fraud upon such creditors.

Tooth v. Frederick, ante, followed.

C. C. Robinson for the plaintiffs.

D. Urquhart for the defendant.

STREET, J.]

[June 1.

MOODY v. CANADIAN BANK OF COMMERCE.

Judgments—Set-off—Assignment for benefit of creditors—Order for entry of judgment—R.S.O., c. 124, s. 23.

After recovery of judgment by the defendants against the plaintiff for a debt and costs, the plaintiff recovered judgment against the defendants in a separate action for damages for malicious prosecution and costs. Before the verdict for damages was actually given, the plaintiff executed an assignment to a trustee for the benefit of his creditors of the amount of any verdict which he might recover, but this assignment was not delivered until after the verdict had been rendered and an order for the entry of judgment upon it made by the trial judge.

Held, that at the time the assignment was delivered the claim to damages had become a judgment debt, and, as such, a debt which should be set-off under the principle of s. 23 of R.S.O., c. 124; and, upon the application of the defendants, an order directing a set-off was made.

Lash, Q.C., for the defendants.

Aylesworth, Q.C., for the assignee.

Appointments to Office.

COUNTY COURT JUDGES.

County of Essex.

Henry Theophilus Waring Ellis, of the town of Windsor, in the Province of Ontario, Esquire, and of Osgoode Hall, Barrister-at-law; to be Deputy Judge of the County Court of the county of Essex, in the said Province of Ontario.

County of Peel

James Fleming, of the town of Brampton, in the Province of Ontario, Esquire, and of Osgoode Hall, Barrister-at-law; to be Deputy Judge of the County Court of the county of Peel, in the said Province of Ontario.

County of Wentworth.

William A. H. Duff, of the city of Hamilton, in the Province of Ontario, Esquire, and of Osgoode Hall, Barrister-at-law; to be Deputy Judge of the County Court of the county of Wentworth in the said Province of Ontario.

County of York.

Frederick Montye Morson, of the city of Toronto, in the Province of Ontario, Esquire, and of Osgoode Hall, Barrister-at-law; to be a Junior Judge of the County Court of the county of York, in the said Province of Ontario, with the style and title of the Second Junior Judge of the county of York.

Frederick Montye Morson, Esquire, the Second Junior Judge of the county of York, in the Province of Ontario; to be a Local Judge of the High Court of Justice for Ontario.

LOCAL REGISTRAR.

United Counties of Stormont, Dundas, and Glengarry.

John Angus McDougald, of the village of Alexandria, in the county of Glengarry, Esquire, to be Local Registrar of the High Court and Clerk of the County Court in and for the United Counties of Stormont, Dundas, and Glengarry, in the room and stead of Alexander E. McDonald, Esquire, deceased.

POLICE MAGISTRATE.

County of Dundas.

George Samuel Hanes, of the village of Iroquois, in the County of Dundas, Esquire, to be Police Magistrate in and for the said village of Iroquois, *pro tempore*, without salary.

ASSOCIATE CORONERS.

County of Lambton.

Charles Richard Charteris, of the village of Florence, in the county of Lambton, Esquire, M.D., to be an Associate Coroner within and for the said county of Lambton, in the room and stead of Myers Davison, Esquire, M.D., deceased.