

*L. J. 24*), where it was shown that a conveyance of goods not *in esse* will be enforced in equity, provided that the goods are sufficiently described for identification.

When we said that the assignment must *contain* a sufficient description of the fund, we did not mean to be understood as implying that the assignment must be in writing (*Gurnell v. Gardner*, 9 *Jur. N. S.* 1220; *Tibbits v. Genge*, 5 *Ad. & E.*, and *McMaster v. Canada Paper Co.*, 1 *Man. L. R.* 309, are clear authorities to the contrary); nor that a valid assignment may not be partly in writing and partly verbal. A bill of exchange, as we have said, is not an assignment of anything, and yet if it be discounted upon the faith that the drawer will accept it and pay it out of a particular fund, then there is in equity a good assignment of the fund. *Re Thornton* 13 *L. T. N. S.* 568; *Lamb v. Sutherland*, 37 *U. C. Q. B.* 143; *McLean v. Shields*, 1 *Man. L. R.* 278.

WHAT MAY BE ASSIGNED. Can there be a good assignment of moneys to be earned? In *Lamb v. Sutherland*, 37 *U. C. Q. B.*, Wilson, J., says: "To constitute an equitable assignment of money in the hands of a third person, it is necessary there must be a particular *existing* fund which is dealt with, and there must be a specific appropriation of the whole or of some part of that fund. *Re Farrell* 10 *Ir. Ch. R.* 304; *Re Thornton*, 13 *L. T. N. S.* 568; *Watson v. The Duke of Wellington*, 1 *Russ. & M.* 602." There may be, however, a good equitable assignment of non-existing goods (see *Prophetic Conveyances*, 2 *Man. L. J.* 24), that is, there may be a promise to assign them when they come into existence, which equity will enforce; and why may not a promise to assign money when earned be also enforced?

The facts in *Ex parte Nichols*, *In Re Jones*, 22 *Ch. Div* 782, were as follows: The debtors carried on the business of the Alexandra Palace, and they made an arrangement with a railway company that the fees paid by the public for conveyance to the Palace and admission into it should