

CASES
DETERMINED BY THE
SUPREME COURT OF NOVA SCOTIA,
IN
MICHAELMAS TERM, XXIX VICTORIA.

BLACK *v.* SAWYER.

December 5, 1865.

A preferential assignment, no matter how slight or meritorious the preferences may be, and though made for the benefit of all the creditors of the assignor, is not an "assignment for the general benefit of all the creditors," within the meaning of the sixth section of chap. 119, Revised Statutes, and has, therefore, no effect until registered.

TRESPASS against a sheriff for taking a sleigh and robes. Pleas, justifying the taking under execution against one H. B. Mitchell, etc.

At the trial before Bliss, J., at Halifax, in May, 1865, it appeared that the Plaintiff claimed, under an assignment from one H. B. Mitchell, the execution debtor, dated 6th October, 1862. The Solicitor General for the defendant contended that this assignment was void for want of the registration required by the Provincial Act of 1862, ch. 7, (now Revised Statutes, chap. 119,) sec. 1, it not being, as he argued, an assignment for the general benefit of creditors within the meaning of the sixth section of that Act, and, therefore, not within the exception in that section.

The learned Judge reserved the point, and the case went to the jury, who found for the plaintiff.

It appeared that the assignment was made between H. B. Mitchell, of the first part, the plaintiff, one of his creditors, of the second, and the several other creditors executing the instrument, of the third part. It conveyed to the plaintiff all the real and personal estate of the assignor, with the usual powers of sale and collection, upon trust, after payment of