

The attaching order was made on the 3rd June and served on the 5th June.

G. Grant, for the judgment creditor, contended that the assignment was void as being of property that was not in existence, and which might never come into existence.

W. N. Ferguson, for the claimant, contended that if the assignment would not have been good at law, it was a good equitable assignment.

A. W. Ballantyne, for the garnishees.

No one appeared for the judgment debtor.

THE MASTER.—In *In re Clarke, Coombe v. Carter*, 36 Ch. D. 348 (followed and approved by the House of Lords in *Tailby v. Official Receiver*, 13 App. Cas. 523) the Court of Appeal, without deciding that a general assignment of all future-acquired property could take effect, held that an assignment such as the present was good and could be enforced whenever the property came into existence and could be identified.

In the present case everything sought to be garnished had come into existence and been clearly ascertained before the attaching order was made. . . . It would seem, therefore, that the right of the assignee had become vested before plaintiff had even moved in the matter.

The order must be discharged with costs.

JUNE 17TH, 1903.

DIVISIONAL COURT.

REX v. COULTER.

Criminal Law—Procuring Person to Commit Personation—Liquor Act, 1902—Ontario Election Act—Summary Conviction—Validity.

Motion by defendant to make absolute a rule nisi quashing his conviction for an offence against sec. 168 of the Ontario Election Act by procuring one Rayner to vote in the name of another person at the voting upon the Ontario Liquor Act, 1902.

The motion was heard by BOYD, C., FERGUSON, J., MACMAHON, J.

J. Haverson, K.C., for defendant.

J. R. Cartwright, K.C., for the Crown.