

invalid upon the ground that the affidavit of execution had been sworn before a commissioner of oaths, who admittedly acted in the matter as solicitor for the defendant (the grantee) alone and not as a solicitor for both parties.

Order XXXVIII., rule 16, of the rules of the Supreme Court provides that "no affidavit shall be sufficient if sworn before the solicitor acting for the party in whose behalf the affidavit is used . . ." By the Bills of Sale Act, 1878, s. 17, "Every affidavit required by or for the purposes of this Act may be sworn before a master in any division of the High Court of Justice or before any commissioner to take affida-

vits in the Supreme Court of Judicature. . . ."

A. C. Salter (T. R. Kemp, Q.C., with him), in support, contended that Order XXXVIII., rule 16, applied to affidavits required by the Bills of Sale Act, 1878, and there had been no compliance with it.

A. M. Channell, Q.C., and E. U. Bullen opposed, and cited *Vernon v. Cook*, 49 Law J. Rep. Q.B. 767.

Wright, J., having in the course of the argument called attention to *In re Johnson*, ex parte Chapman, 53 Law J. Rep. Chanc. 762; L.R. 26 Chanc. 338, held that the provisions of Order XXXVIII., rule 16, applied, and that the registration was invalid. Judgment for the plaintiffs.

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