

4, sec. 17. Had the Judge not held such a Court, he would have accepted the list submitted without the addition of the two names. These two names may be taken to have been wrongly added, but the certified list was in no other respect illegal. This did not per se vitiate the list, and the error would be so immaterial as not to affect the result of the election—having regard to the votes cast.

Other slight irregularities appear, but not of such a character, singly or cumulatively regarded, as to withdraw the whole result from the curative clause of the Municipal Act (sec. 204). The general rule applicable to popular elections held not in strict conformity to law is that the onus is cast upon the complainant to shew affirmatively that the result would have been different if the illegality has not existed. In this aspect of the appeal, I would affirm the judgment with costs.

RIDDELL, J.:—I agree in the result.

MIDDLETON, J., also agreed in the result, for reasons stated in writing.

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CLUTE, J., IN CHAMBERS.

OCTOBER 27TH, 1910.

RE HENDERSON ROLLER BEARINGS LIMITED.

*Assignments and Preferences—Assignment for Benefit of Creditors—Goods Seized by Sheriff but not Sold—Interpleader—Claim of Assignee—Rights of Execution Creditors—Assignments and Preferences Act, 10 Edw. VII. ch. 64, sec. 14—Creditors' Relief Act, 9 Edw. VII. ch. 48, sec. 6, sub-sec. 4—Priorities.*

Appeal by N. L. Martin, the claimant, as assignee, from an order of the Master in Chambers, dated the 15th October, 1910, directing that a motion made on behalf of the Sheriff of Toronto for an interpleader order be adjourned until after the Sheriff shall have sold the goods seized, and further directing that the motion might be resumed at any time after the Sheriff should have held the sale, upon proper notice.

A. H. F. Lefroy, K.C., for the appellant.

Grayson Smith, for Fowler and Eckardt.

R. J. MacLennan, for the Sheriff of Toronto.

J. G. O'Donohue, for the Queen City Foundry Co.

McLarty (Heyd & Heyd), for certain creditors.

Shirley Denison, for the other creditors.