

Question submitted to the Registrar, on behalf of the Canadian Credit Men's Association, official trustees, whether or not an authorised assignment under the Bankruptcy Act, 1919, should be filed with the Registrar.

J. M. Bullen, for the applicants.

THE REGISTRAR, in a written memorandum, said that the Act and Rules were not explicit on the point, and the question seemed to depend on what was the proper inference to be drawn from the Act and Rules as they stood. It is a necessary inference from what is stated in the Act and Rules that all assignments shall be filed with the Registrar without delay after the making thereof; and this may be demonstrated by a careful consideration of sec. 11 and Rule 7.

The learned Registrar, however, was unwilling to make any ruling, because the question of payment of fees to the officers (of whom he was one) was involved; and he respectfully referred the question to the Judge in Bankruptcy, suggesting that not only the main question as to the necessity for filing assignments should be considered, but also: (1) the time for filing; (2) whether an original should be filed or whether a copy certified by the trustee would suffice (see sec. 11 (3), (8)); (3) whether the copies of the affidavits required by sec. 11 (11) and form 19 should also be filed; and (4) whether, if the affidavits and assignment should all be filed, a separate filing fee should be charged for each affidavit (see tariff item 13).

ROSE, J.

NOVEMBER 29TH, 1920.

RE RYALL.

*Will—Construction—Devise to Son—Ineffective Attempt to Divest Estate upon Death “without Leaving Lawful Heirs”—Estate in Fee Simple or Fee Tail—Originating Motion—Costs—Executors not Made Parties.*

A motion on behalf of John A. Ryall for a declaration as to the effect of a clause contained in the will of Charles Ryall, deceased.

The motion was heard in the Weekly Court, Toronto.

J. B. Clarke, K.C., for the applicant.

F. W. Harcourt, K.C., for the infants.