

1862. fee in the land as purchasers at sheriff's sale, under a writ of *fi. fa.* against lands upon a judgment in their favour against *John L. Ranney*.

Bank of
Toronto
v.
Eccles.

The defendants claim as assignees of *Ranney* under an assignment made on the 4th of January, 1858, and registered 6th January, 1858.

The judgment against *Ranney* was entered up on 8th January, 1858, and was registered on the next day. The sale under that judgment was made on 15th February, 1859, and the sheriff's deed to the plaintiffs was executed 5th March, 1859.

The deed of this land to the defendants of 4th January, 1858, is expressed in the deed itself to have been made in consideration of five shillings, and by it the land was granted to the defendants, "to hold as joint tenants, and not as tenants in common, and to the survivor of them and the heirs of such survivor for ever." There is no mention in this deed of any further consideration than the five shillings.

Judgment.

On the next day (5th January, 1858) *Ranney* executed another deed to the same grantees, (the three defendants in this action,) in which he recited his deed to them of the 4th of January, and other conveyances which he had made to the same grantees of other lands; and he recites further, that the lands mentioned in the said indentures so referred to were conveyed to the said grantees (although it was not so expressed in the said indentures) upon the like trusts and for the like purposes as those for which the said *Ranney* did, by the deed of 5th January, 1858, containing these recitals, assign to the same grantees his personal estate and effects; and by this deed he assigns all his personal estate to these defendants, their executors, administrators and assigns, to have and to hold all the lands and tenements mentioned and described in the

severa
singula
descrip
defend
assigns
therein

Thes
real an
the cha
a long
their d
bills an
accomm
covenan
the trus
third p
grantor
of them
said tru
trust m
tions be
tors, acc

Then
creditor
and den
who sho
from the
it; and
non-exec
receive—
be paid o
their resp

And la
over to t
paying t
respective
for in the