

And see Russell on Crimes, 7th ed., pp. 104-106, as to crimes committed through innocent agents; and Adams v. The People (1848), 1 N.Y. (Comstock) 173 (Court of Appeals).

There was, in my opinion, sufficient legal evidence upon which, if believed, to convict the accused; and the question reserved by the learned trial Judge should be answered in the affirmative.

Conviction affirmed.

HIGH COURT DIVISION.

KELLY, J.

MAY 22ND, 1913.

COLE v. RACINE.

Assignments and Preferences—Assignment for Benefit of Creditors—Action by Assignee to Set aside Chattel Mortgage Made by Insolvent to Secure Debt Previously Incurred—Evidence—Mortgagee's Knowledge of Insolvency—Intent to Prefer—Invalidity of Mortgage—Bills of Sale and Chattel Mortgage Act, 10 Edw. VII. ch. 65, secs. 5, 7—Affidavit of Attesting Witness—Omission to Shew Date of Execution—Imperative Statutory Provision—Account—Application of Assets Freed from Mortgage—Costs.

This action was begun by the plaintiff, as assignee of the estate of Alfred St. Laurent, an insolvent, to set aside, as fraudulent against creditors, a chattel mortgage made by Arthur St. Laurent to the defendant, on the 2nd January, 1912.

When the chattel mortgage was made, Arthur St. Laurent carried on business as a retail merchant in Ottawa.

On the 12th March, 1912, he, by bill of sale, transferred his business to his brother Alfred St. Laurent, who on the 26th June, 1912, made an assignment to the plaintiff for the general benefit of his creditors.

After the evidence had been taken at the trial, before KELLY, J., without a jury, Arthur St. Laurent also executed to the plaintiff an assignment for the general benefit of his creditors; and the plaintiff, as such assignee, on the 7th December, 1912, commenced another action against Arthur St. Laurent, similar to this action. The two actions were then consolidated, and the defendant was given time and opportunity to adduce further