

1910

\*May 10, 11.

\*June 15.

## SMITH v. SUGARMAN AND OTHERS.

ON APPEAL FROM THE SUPREME COURT OF ALBERTA.

*Assignment—Insolvency—Preference—Trust—Statute of Frauds.*

APPEAL from the judgment of the Supreme Court of the Province of Alberta (1), reversing the judgment of Beck J., at the trial (2), and dismissing the plaintiff's (appellant's) action with costs.

On the appeal by the plaintiff, the Supreme Court of Canada, after hearing counsel on behalf of both parties, reserved judgment and, on a subsequent day, the appeal was allowed and the judgment of the trial judge was restored, with costs in the Supreme Court of Canada and in the court appealed from.

*Appeal allowed with costs.*

*C. A. Grant* for the appellant.

*Wallace Nesbitt K.C.* for the respondents.

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\*PRESENT:—Girouard, Davies, Idington, Duff and Anglin JJ.

(1) 3 Alta. L.R. 108.

(2) 2 Alta. L.R. 442.