

Case No. 214. ALLEN V. BENNETT.
[6 Amer. Law Rev. (1872,) 755.]

District Court, D. Connecticut.

LEASE—CONDITION AGAINST ASSIGNMENT—BREACH—BANKRUPTCY.

This was a bill in equity brought by an assignee in bankruptcy to enjoin one who had leased a store to the bankrupt from disturbing the petitioner's possession. The lease stated that the store was to be used by the bankrupt as a dry goods store, and provided for a forfeiture in case of an assignment without the written consent of the lessor.

THE COURT (SHIPMAN, District Judge) held that the assignment to the petitioner, being the act of the law, did not work a forfeiture; and that an assignment by him, as the agent of the law, to a purchaser of the leasehold interest, would be equally without the proviso.