

REASONS AGAINST APPEAL

OF DEFENDANT SANFORD CO.

The respondents The W. E. Sanford Manufacturing Company (limited) submit that the judgment of the Honorable the Chancellor, directing judgment to be entered for the defendants, is right and should be sustained and this appeal dismissed for the following among other reasons :

1. The findings of the learned Chancellor are on all points in favor of the respondents and against the appellants, and are right and should not be disturbed.
2. The security taken by the respondent James D. Wilson was made by way of security for a present actual bona fide advance of money, and is therefore within the protection of the third section of the Act respecting Assignments and Preferences by Insolvent Persons, and said respondent was without knowledge of any fraudulent intention (if any such existed) on the part of the mortgagor.
3. The money so advanced by the said James D. Wilson to the said Eliza Barnet Cheyne was paid by the latter to these respondents, and such payment cannot be disturbed.
4. These respondents further submit that they took a subsequent security on the same subject matter, and sold and realized thereunder and paid the amount secured by the chattel mortgage held by their co-respondent James D. Wilson, and such payment can under no circumstances be attacked.

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JOHN J. SCOTT,

Counsel for the respondents The
W. E. Sanford Manufacturing
Company (limited).

REASONS AGAINST APPEAL

OF DEFENDANT WILSON.

The respondent James D. Wilson submits that the judgment of the Honorable the Chancellor directing judgment to be entered for the defendants is right and should be sustained, and this Appeal dismissed for the following among other reasons :

1. The findings of the learned Chancellor are on all points in favor of the respondents and against the appellants, and are right, and should not be disturbed.
2. The security taken by this respondent was made by way of security for a present actual bona fide advance of money, and is therefore within the protection of the third section of the Act respecting Assignments and Preferences by Insolvent Persons. This respondent had no knowledge of any fraudulent intention (if any such existed) on the part of the mortgagor, and, in fact, did not know until after this action was brought that his co-respondents The W. E. Sanford Manufacturing Company (limited) were in any way interested in the matter. The bond referred to was handed to the solicitor for his co-respondents The W. E. Sanford Manufacturing Company (limited) as an escrow, and was never delivered to this respondent, and until same was shown to him at the trial had no knowledge thereof.

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