

MARCH 29TH, 1915.

CANADIAN OHIO MOTOR CAR CO. v. COCHRANE.

Company—Calls—Authority of Directors — By-law — Conditional Subscription—Waiver—Findings of Fact of Trial Judge—Appeal.

Appeal by the plaintiffs from the judgment of LATCHFORD, J., 7 O.W.N. 698.

The appeal was heard by MEREDITH, C.J.O., GARROW, MACLAREN, MAGEE, and HODGINS, JJ.A.

C. A. Masten, K.C., and E. G. Porter, K.C., for the appellants.

W. F. Kerr, for the defendant, respondent.

THE COURT dismissed the appeal with costs.

HIGH COURT DIVISION.

SUTHERLAND, J.

MARCH 27TH, 1915.

HERZIG v. HALL.

Assignments and Preferences—Bill of Sale — Insolvent Bargainor—Consideration—Payment of Composition to Creditors — Invalidity against Non-assenting Creditors — Assignments and Preferences Act, R.S.O. 1914, ch. 134, sec. 5 (1).

Interpleader issue.

The plaintiffs were execution creditors of J. C. Hall, trading under the name of the J. C. Hall Fur Company. Goods in J. C. Hall's warehouse were seized by the Sheriff under the plaintiffs' execution, and were claimed by Margaret Hall, the mother of J. C. Hall, under a bill of sale.

The issue was tried without a jury at Toronto.

A. C. McMaster, for the plaintiffs, execution creditors.

M. H. Ludwig, K.C., for the defendant.