

Held, that the execution creditors should pay the sheriff his fees and poundage on the value of the part of the goods they were found entitled to, and his costs of the interpleader application, and of a subsequent application to dispose of the costs, etc.; and that the execution creditors should have an order over against the claimant for one-half of such costs.

R. J. MacLennan for the sheriff.

W. H. P. Clement for the execution creditors.

F. W. Garvin for the claimant.

Chy. Div'l Court.]

WEBB v. SPEARS.

[Feb 16.

Justice of the peace—Action against—R.S.O., c. 73, s. 12—Setting aside proceedings—Premature application.

In an action against a justice of the peace for false imprisonment and for acting in his office maliciously and without reasonable and probable cause, an application was made before statement of claim to set aside the proceedings under s. 12 of R.S.O., c. 73, on the ground that the conviction of the plaintiff made by the defendant had not been quashed. It appeared, however, that the plaintiff was arrested and imprisoned under a warrant issued by the defendant which, in fact, had no conviction to support it.

Held, not a case within s. 12.

Per ROBERTSON, J.: That the plaintiff had a complete cause of action without setting aside the conviction.

Per MEREDITH, J.: That the application was premature.

Kilmer for the plaintiff.

Russell Snow for the defendant Spears.

IN RE SARNIA OIL COMPANY.

Company—Winding up—Dominion Act—Jurisdiction of Divisional Court—Jurisdiction of Master in Chambers—Notice of appeal—Leave to appeal.

The Divisional Courts are not constituted appellate courts for the purposes of Dominion judicature under the Winding-up Act; and an appeal does not lie to a Divisional Court from an order of a Judge in Chambers in a proceeding under that Act.

The Master in Chambers, or other subordinate judicial officer, has no jurisdiction, except by delegation, to make an order in a proceeding under that Act.

Where a notice of appeal to the Court of Appeal from an order of a judge in such a proceeding has been given, but leave to appeal has not been obtained, it is not necessary to have the notice set aside.

Donovan v. Haldane, 14 P.R. 106, distinguished.

Aylesworth, Q.C., for certain creditors, the appellants.

Middleton for the liquidators.

E. R. Cameron for Russell A. Alger and the Buffalo Loan, Trust & Deposit Co.