

MEREDITH, C.J.

JUNE 22ND, 1906.

CHAMBERS.

RE ELGIE, EDGAR, AND CLEMENS.

Interpleader—Application for Order—Stakeholder—Chattel Mortgage—Surplus in Hands of Mortgagee—Claim under Order for Payment of Part of Surplus—Claim under Purchase from Mortgagor.

Appeal by Elgie & Co., applicants, from order of Master in Chambers, ante 33, dismissing an application for an interpleader order.

F. Arnoldi, K.C., for appellants.

J. A. Scellen, Berlin, for claimant Clemens.

T. E. Godson, Bracebridge, for claimant Edgar.

MEREDITH, C.J., dismissed the appeal with costs to the claimant Clemens and without costs to the claimant Edgar.

MABEE, J.

SEPTEMBER 14TH, 1906.

TRIAL.

CANADIAN PACIFIC R. W. CO. v. GRAND TRUNK
R. W. CO.

Railway—Leasehold Interest in Land—Sub-lease—Covenant—Payment of Rent—Acquisition of Fee—Compensation—Interest—Agreement—Reference—Costs.

Action for rent or in the alternative for compensation in respect of plaintiffs' leasehold interest in certain lands.

E. D. Armour, K.C., and Angus MacMurchy, for plaintiffs.

W. Cassels, K.C., and W. A. H. Kerr, for defendants.

MABEE, J.:—Under the document of 20th January, 1886, plaintiffs had defendants' covenant for the payments of the rent as set forth therein, and defendants are therefore liable for such payments, unless something has taken place to relieve them of that covenant.