

The Ontario Weekly Notes

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APPELLATE DIVISION.

NOVEMBER 30TH, 1915.

*RE HARRISON.

Creditors Relief Act—Money Made by Sheriff by Sale under Execution and Entered before Assignment by Execution Debtor for Benefit of Creditors—Executions Lodged after Assignment but within Month of Entry—Right of Creditors to Share in Money Made—R.S.O. 1914 ch. 81, sec. 6.

Appeal by the McClary Manufacturing Company Limited from an order of the Judge of the County Court of the County of Essex, upon an application made by the appellants under sec. 33 of the Creditors Relief Act, R.S.O. 1914, ch. 81, directing distribution by the sheriff of the proceeds of the sale, under execution, of the property of George N. Harrison, without regard to the claims of the appellants and other creditors of Harrison, whose executions did not come into the sheriff's hands until after he had made his levy, though they came into his hands within one month from the entry thereof: sec. 6 of the Act.

The appeal was heard by FALCONBRIDGE, C.J.K.B., RIDDELL, LATCHFORD, and KELLY, JJ.

G. S. Gibbons, for the appellants.

G. A. Urquhart, for the Tooke Brothers Company Limited, execution creditors, respondents.

V. H. Hattin, for the Metal Shingle and Siding Company Limited, execution creditors, respondents.

RIDDELL, J., delivering the judgment of the Court, said that the Tooke company placed an execution against Harrison in the hands of the sheriff on the 14th November, 1915; the Metal

*This case and all others so marked to be reported in the Ontario Law Reports.