

for payment and protested on 5th July, 1893. Defendant contended that the note was not presented for payment within a reasonable time, as required by s. 85 of Bills of Exchange Act, and that, as indorser, he was therefore discharged.

*Held*, that the note was clearly a note payable on demand some months after date, viz., two months at least after date. The fact that the interest is payable half yearly did not change the nature of the note. It being made with interest payable half yearly clearly indicated that the parties contemplated and intended that the note was to remain unpaid for a considerable time, and that it might not be paid for years. Such being the intention of the parties as indicated on the face of the note, it could not be said that the presentment was made at such an unreasonable time after the indorsement as to operate as a discharge of defendant's liability on the note.

Verdict for plaintiffs.

*Tupper*, Q.C., and *Phippen* for plaintiffs.

*Howell*, Q.C., and *Machray* for defendant.

KILLAM, J.]

McWILLIAMS v. BAILEY.

[March 19.]

*Practice—Charging order—Ontario authorities dissented from.*

Plaintiff and defendant were in partnership when a bill was filed and a decree made dissolving the partnership. The Master's report found that McWilliams was entitled to the assets of the concern, except as to a trifling amount.

Morrison and Smith, execution creditors of McWilliams, having obtained a stop order on the fund in court, applied for payment out to him. The plaintiff also applied for payment out to him.

*Held*, that the application of the judgment creditor should be dismissed, with costs to be set off against the judgment debt; the application of the plaintiff to be enlarged a week to enable the judgment creditor to apply for a charging order, or take such other step as he may deem proper; the stop order to continue.

The practice of charging monies in the hands of the Accountant-General of the Court of Chancery, under 1 & 2 Vict., c. 110, and 3 & 4 Vict., c. 82, applies to monies paid into this court on its equity side.

*Darvson v. Moffitt*, 11 O.R. 484, not followed.

Application of judgment creditor dismissed with costs.

*J. Martin* for plaintiff.

*T. G. Mathers* for execution creditors.

Full Court.]

CLIFFORD v. LOGAN.

[March 10.]

*Bills of Sales Act—Crop mortgages—Priority of execution to mortgage executed after it came in sheriff's hands.*

Appeal from the decision of Dubuc, J., reported 4 W.L.T. 152.

*Held*, that the verdict for the plaintiff should be set aside and a verdict entered for defendant.