

FEBRUARY 24TH, 1909.

DIVISIONAL COURT.

UNION BANK OF CANADA v. SCHECHTER.

Bankruptcy and Insolvency—Chattel Mortgage Given by Insolvent—Fraudulent Scheme to Defraud Creditors—Evidence—Findings of Fact—Interpleader Issue Found in Favour of Execution Creditors.

Appeal by defendant from judgment of MACMAHON, J., ante 231.

C. A. Moss, for defendant.

W. E. Middleton, K.C., for plaintiffs.

THE COURT (MACLAREN, J.A., MAGEE, J., LATCHFORD, J.), dismissed the appeal with costs.

OSLER, J.A.

FEBRUARY 24TH, 1909.

C.A.—CHAMBERS.

BRETT v. TORONTO R. W. CO.

Appeal to Court of Appeal—Leave to Appeal Directly from Judgment at Trial—Competence of Appeal to Supreme Court of Canada—Interest in Land in Question.

Motion by defendants for leave to appeal to the Court of Appeal directly from the judgment of BOYD, C., at the trial, ante 552.

M. Lockhart Gordon, for defendants.

J. M. Ferguson, for plaintiff.

OSLER, J.A.:—Some interest in real estate appears to be in question in the action, and I think something different from a mere question of a right of servitude. I cannot say, after consideration, that it is clear that the Supreme Court of Canada would not have jurisdiction. On the contrary,