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LATCHFORD, J.

JANUARY 7TH, 1909.

CHAMBERS.

RE CANADIAN PACIFIC R. W. CO. AND WARREN.

*Interpleader—Application of Carriers—Rival Claimants—
Lien for Freight—Disposition of Goods pending Trial of
Issue—Reversal of Order for Sale—Retention of Goods
by Carriers—Security—Costs.*

Motion on behalf of Marion Swale and Thomas Swale to set aside an order made by the Master in Chambers directing a sale of certain household goods in the possession of the Canadian Pacific Railway Company, consigned to Marion Swale, and claimed by Jonathan Warren, of East Finchley, Middlesex, England.

W. M. Hall, for the applicants.

R. J. McGowan, for the Canadian Pacific Railway Company.

G. B. Strathy, for Jonathan Warren.

LATCHFORD, J.:—The order is said to be wrong in directing a sale of the goods by the railway company and payment into Court of the proceeds, reserving the question of the lien of the company for their advance charges, freight, and storage, and also reserving for further directions the trial of an issue as to the ownership of the goods.

Upon the material before me, I consider that the issue as to the right of Warren to the goods should be first decided. There is evidence that as to certain articles he has no claim whatever. His claim to others may or may not be valid. It is certain that for about two years all the goods now stored by the railway company were in the possession of Marion Swale at her home in Monmouth, South Wales.