

They will also have judgment as against Margaret Green, declaring that they are entitled to payment in full of their claim (both debt and costs) out of the proceeds of the sale of the assets of the business of "W. & J. Smart" in the hands of the sheriff, and out of any moneys which the sheriff may realize under the attaching order against Clifford Beaton, in priority to the claim of Margaret Green as an execution creditor of William Smart.

The costs of the sheriff of this action, exclusive of costs of or occasioned by or by reason of the interpleader proceedings, will, after taxation, be paid to him by the plaintiffs, who may add to their claim against the defendant William Smart the amount so paid to the sheriff.

The plaintiffs will have judgment against the defendant Margaret Green for payment of their costs of this action, exclusive of costs of or occasioned by or by reason of the interpleader proceedings, and subject to a set-off of the costs of said Margaret Green incurred in or by reason of such interpleader proceedings.

As against the defendant John Smart the action will be dismissed without costs.

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MULOCK, C.J.

SEPTEMBER 13TH, 1907.

WEEKLY COURT.

TODD v. PEARLSTEIN.

*Contempt of Court—Breach of Injunction—Deliberate Act—  
Punishment—Imprisonment—Costs.*

Motion by plaintiff to commit defendant for breach of the injunction contained in the judgment pronounced in this action on 15th May, 1907, whereby in effect defendant was restrained from using the plaintiff's trade mark (commonly known as the union label) in connection with the sale of cigars.

T. J. W. O'Connor, for plaintiff.

J. H. Spence, for defendant.

MULOCK, C.J.:—On 11th July defendant called at the establishment of Thomas Murphy, tobacconist in Hamilton,