

THE  
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No.

OCTOBER 30TH, 1907.

DIVISIONAL COURT.

McCANN MILLING CO. v. MARTIN.

*Chattel Mortgage—Renewal—Time of Filing—Computation of Year—Validity.*

Appeal by plaintiff from judgment of MACMAHON, J., ante 264.

The appeal was heard by MULOCK, C.J., ANGLIN, J., CLUTE, J.

W. R. Smyth, for plaintiff.

A. Abbott, Trenton, for defendants.

ANGLIN, J.:—An appeal by plaintiff from the judgment of MacMahon, J., holding, inter alia, that a chattel mortgage filed in the office of the County Court clerk on 26th April, 1904, at 10 a.m., was validly renewed by renewal filed on 26th April, 1905, at 10 a.m.

The Chattel Mortgage Act, R. S. O. 1897 ch. 148, sec. 18, enacts that "every mortgage or copy thereof filed in pursuance of this Act shall cease to be valid, as against the creditors of the persons making the same, and against subsequent purchasers and mortgagees in good faith for valuable consideration, after the expiration of one year from the day of the filing thereof, unless within 30 days next preceding the expiration of the said term of one year a statement, etc., is filed in the office of the clerk of the County Court."