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No. 24

APPELLATE DIVISION.

FEBRUARY 20TH, 1913.

PALLANDT v. FLYNN.

*Interpleader—Company-shares—Seizure by Sheriff—Claim by
Bank—Order Directing Trial of Issue—Terms—Security
Required from Claimant.*

Appeal by the Canadian Bank of Commerce, claimants, from the order of BRITTON, J., ante 681, dismissing an appeal by the bank from an interpleader order made by the Master in Chambers. Leave to appeal was granted by MIDDLETON, J.: see ante 821.

The appeal came on for hearing before MULOCK, C.J.Ex., CLUTE, RIDDELL, SUTHERLAND, and LEITCH, JJ.

R. C. H. Cassels, for the appellants.

J. Jennings, for the execution creditor.

R. J. Maclellan, for the Sheriff of Toronto.

THE COURT, by consent of all parties, varied the order below by directing that, on the appellants failing to give security, by their undertaking, within fifteen days, a sale of the shares seized may be made by the Sheriff, through brokers, but not for less than \$2,000 net; the proceeds of sale to be paid into Court to abide the result of the interpleader issue. Costs reserved.