

summons and the solicitor appealed.

Held, that the appellant as solicitor employed by the plaintiff was entitled to a charge on the funds in Court for his costs, charges, and expenses incurred in the action for recovering and preserving the property, and it was referred to the taxing-master to settle the amount of the charge, with liberty to him to review his former taxation. He was also entitled to the costs as between solicitor and client of the application in the Court below and of the appeal, and these costs would be added to the costs of the action. The appellant solicitor would be in the position of an incumbrancer and would add his costs to the charge.

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COURT OF APPEAL.	}	[OCT. 30.
LINDLEY, M. R.		
CHITTY, L. J.		

STERN v. TEGNER.

Chattel Mortgage — Interpleader — Order for Sale.

By a bill of sale of August 11, 1897, Tegner assigned to Smith certain chattels as security for £300 and interest, payable on November 11. Stern recovered judgment against Tegner for £112 on a dishonored bill of exchange, and on September 30 the sheriff seized the chattels on his behalf. On October 1 Smith gave notice of his claim, and on the 5th paid out a distress put in by the landlord. On the 7th a receiving order was made against Tegner, and on the 15th he was adjudicated a bankrupt. The sheriff on the 7th issued an interpleader summons; the master ordered the sheriff to sell the chattels and pay the parties. On appeal, Ridley, J., in chambers varied the order by directing the sheriff to sell the chattels and hold the net proceeds of such sale to abide further order.

Smith appealed, and asked that the sheriff should be directed to withdraw, or that the goods should be sold only on the personal under-

taking of the plaintiff or the trustee in bankruptcy to guarantee him against loss.

Held that where, as in this case, it was extremely doubtful whether the goods would realize enough to pay the bill of sale holder, the proper course was not to order a sale unless the execution creditor guaranteed the secured creditor against loss. Without that it would not be just to deprive him of his security. This was not consistent with *Forster v. Clowser* (Diprose claimant), 66 Law J. Rep. Q.B. 693; L.R. (1897) 2 Q.B. 362 as that decision was based upon the circumstance that the Court was satisfied that a sale would produce a surplus.

UNITED STATES.

FRASER v. McCONWAY COMPANY.

U. S. CIRCUIT COURT.] [AUG. 26.
Aliens—Taxation of—Constitutional Law.

ACHESON, Cir. J.—The first section of an Act of Assembly of the State of Pennsylvania, approved June 15, 1897, provides: "That all persons, firms, associations or corporations employing one or more foreign-born, unnaturalized male person over twenty-one years of age within this Commonwealth, shall be and are hereby taxed at the rate of three cents per day for each day each of such foreign-born, unnaturalized male person may be employed, which tax shall be paid into the respective county treasuries; one-half of which tax to be distributed among the respective school districts of each county, in proportion to the number of schools in said districts; the other half of said tax shall be used by the proper county authorities for defraying the general expenses of county government."

It is further provided by the Act: "That all persons, firms, associations and corporations shall have