

The acceleration is not in the nature of a penalty, but is to be regarded as the contract of the parties.

Rules 359, 360, and 361, and the long form of the acceleration clause, R.S.O., c. 107, schedule B., s. 16, considered.

*A. Elliott* for the plaintiff.

*F. E. Hodgins* for the defendant.

Court of Appeal.]

HENDERSON v. ROGERS.

[April 20.]

*Appeal—County Court—Garnishing matter—Judgment on issue—Parties—R.S.O., c. 47, s. 42—Judgment not drawn up.*

Under s. 42 of the County Courts Act, R.S.O., c. 47, an appeal lies to the Court of Appeal from the order or judgment of a County Court disposing of an issue directed by an order made in an action in such County Court upon a garnishing application; and the claimant, the plaintiff in the issue, though not a party to the original action, is a "party" within the meaning of s. 42, and may be an appellant.

*Sato v. Hubbard*, 6 A.R. 546, distinguished.

It is not a ground for quashing or dismissing an appeal that the order or judgment appealed from has not been drawn up.

*Whiting* for the appellant.

*E. D. Armour*, Q.C., for the respondent.

Court of Appeal.]

CENTRAL BANK OF CANADA v. ELLIS.

[April 20.]

*Attachment of debts—Salary not yet due—Rule 935—Salary of police magistrate—Public policy.*

The salary of a judgment debtor, not actually due or accruing due at the time of service of the attaching order, but which may hereafter become due, cannot be attached to answer the judgment debt; and the enlarged provisions of Rule 935 have made no difference in this respect.

The salary of a police magistrate appointed by the Crown, but paid by a municipality, cannot, on grounds of public policy, be attached; HAGARTY, C.J. O., expressing no opinion on this point.

*W. R. Riddell* for the plaintiffs, appellants.

*Raney* for the defendant Ellis, respondent.

*Going* for the garnishees, respondents.

Court of Appeal.]

TESKEY v. NEIL.

[April 20.]

*Appeal—Interpleader—Attachment of debts—Issue sent from High Court to County Court—Appeal from judgment on issue—Jurisdiction—Rules 940, 1163—Quashing appeal—Costs.*

The Master in Chambers made an order in an action in the High Court, by consent of parties, directing the trial in a County Court, between an execu-