

REPORTS OF CASES

DECIDED IN THE

SUPREME COURT

OF THE

NORTH-WEST TERRITORIES

VOLUME VII

FRASER ET AL. V. EKSTROM AND MASSEY. CLAIMANT.

Practice — Sheriff's interpleader — Notice to execution creditors of claimant's claim—Sheriff interpleading without allowing reasonable time to execution creditor to investigate and admit—Object of sheriff's interpleader—Costs.

It is not sufficient for a sheriff to wait merely the four days allowed by law after giving notice of the claimant's claim, but the sheriff must, before interpleading, allow a reasonable time to the execution creditors to investigate the claim of the claimant and admit or dispute the same.

The object of sheriff's interpleader proceedings discussed.

[WETMORE, J., April 20, 1900.]

Sheriff's interpleader. On the return of the summons the plaintiffs' counsel objected that reasonable time had not been allowed to admit the claimant's claims before the deputy sheriff issued the summons.

Statement.

D. H. Cole, for the deputy sheriff.

Argument.

E. L. Elwood, for execution creditors (plaintiffs).

J. T. Brown, for execution creditors (plaintiffs).

WETMORE, J.—On the 17th March the deputy sheriff at Yorkton mailed to the plaintiff's advocates at Moosomin notice of the claimant's claim. Knowing as I do how the mails are dispatched, and when they arrive at Yorkton, this notice would not leave Yorkton until Monday morning, the

Judgment.