

# In the Supreme Court of Canada.

Between THOMSON, CODVILLE & CO.,

(DEFENDANTS) *Appellants.*

AND

JOHN QUIRK

(PLAINTIFF) *Respondent.*

## RESPONDENT'S FACTUM.

This is an appeal from the Supreme Court of the North West Territories.

The action was commenced in the Northern Alberta Judicial District by an order of Mr. Justice Rouleau directing an issue to be tried in the Supreme Court 10 of the North West Territories in which John Quirk should be plaintiff and Thomson, Codville & Co., the now Appellants, defendants.

The question to be tried was whether at the time of seizure by the Sheriff the goods seized which are mentioned and described in a chattel mortgage made by Samuel Kirkpatrick and William E. Holmes to the claimant John Quirk were the property of the said Quirk as against Thomson, Codville & Co. the Claimants. The issue was tried at Calgary before Rouleau, J.

At the trial the chattel mortgage was produced. The execution and the filing and renewal of the chattel mortgage were admitted. No other evidence was given.

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Two objections were taken to the right of the chattel mortgagee to recover.

- (1) Improper description of the goods.
- (2) That the chattel mortgage was not refiled.