

CHAPLIN V. CHAPLIN—BRITTON, J., IN CHAMBERS—OCT. 25.

Money in Court—Money to Credit of Execution Debtor — Payment out to Sheriff for Distribution among Creditors — Claims by Assignees of Debtors—Consideration—Invalidity — Costs.]—Motion by the Sheriff of the United Counties of Northumberland and Durham for an order for payment out of Court to him of that portion of the moneys therein in this action standing to the credit of Valentine J. Chaplin, to be distributed among his execution creditors. Alexander Anderson claimed the money under an assignment to him made by Valentine J. Chaplin on the 19th June, 1914; and the wife of Chaplin claimed under an assignment to her, dated the 24th April, 1913, purporting to be in consideration of \$400. On the argument counsel for Anderson expressed his willingness that the money should be paid out to the Sheriff. Upon reading the affidavit of Mrs. Chaplin and her cross-examination thereon, the learned Judge is of opinion that her claim cannot be maintained. The alleged assignment, he says, was not for valuable consideration, and it is not valid as against the creditors of her husband. Upon the argument, the learned Judge was asked to say to which of the execution creditors or others the Sheriff should pay; but there was no material upon which such an order could be made; and the Sheriff must take the responsibility of distribution. Order made for payment out to the Sheriff of the money in Court for distribution among such of the creditors as are entitled thereto; no costs to or against the claimants; the Sheriff's costs to be deducted by him from the money paid out, before distribution. Grayson Smith, for the Sheriff. M. C. Purvis, for the wife. J. H. Spence, for Alexander Anderson.

NEW YORK AND PENNSYLVANIA CO. V. HOLGEVAC—LENNOX, J.,
IN CHAMBERS—OCT. 28.

Company—Action Brought by Extra-Provincial Company—Stay of Proceedings—License Obtained pending Action—Leave to Proceed—Terms—Costs—Extra-Provincial Corporations Act, R.S.O. 1914 ch. 179, secs. 4, 16.]—Appeal by the defendants from an order of the Local Judge at Haileybury dismissing the defendants' motion to strike out the statement of claim, or for the dismissal of the action, and providing for and directing as to the delivery of the statement of defence and notice of trial