

CANADA / JUDGMENT

Richards v. Baker

(1918) 59 SCR 656**COURT**

Supreme Court of Canada

DECIDED

10 October 1918

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Richards v. Baker Collection Supreme Court Judgments Date 1918-10-10 Report

(1918) 59 SCR 656 Judges Fitzpatrick, Charles; Davies, Louis Henry; Idington, John; Anglin, Francis Alexander; Brodeur, Louis-Philippe On appeal from British Columbia Subjects Action Decision Content Supreme Court of Canada Richards v. Baker, (1918) 59 S.C.R. 656 Date: 1918-10-10 Richards v. Baker. 1918: October 10. Present: Sir Charles Fitzpatrick C.J. and Davies, Idington, Anglin and Brodeur JJ. ON APPEAL FROM THE COURT OF APPEAL FOR BRITISH COLUMBIA. Practice and procedure—Seizure—Assignment—Notice to sheriff—Refusal to withdraw—Poundage. APPEAL from the judgment of the Court of Appeal for British Columbia^[1], affirming the judgment of the trial judge, Clement J. and maintaining the respondent's (plaintiff's) action. The sheriff of Victoria seized certain goods on the premises of one Neston, and on the same day Neston made an assignment for the benefit of his creditors under the "Creditors' Trust Deeds Act." Notice in writing of this assignment was served upon the sheriff shortly after the seizure. The sheriff agreed to withdraw on payment of his bill including an item for poundage, which item the respondent refused to pay. The sheriff remained in possession until ordered to withdraw by an order of Clement J. The question in issue was whether or not the sheriff was entitled to poundage. The defendant appealed to the Supreme Court of Canada which, after hearing counsel on its behalf, and without calling on counsel for the respondent, dismissed the appeal. Appeal dismissed with costs. Chrysler K.C. for the appellant. Bethune for the respondent.

[1] 40 D.L.R. 351; [1918] 2 W.W.R. 902.

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