

"Maintient la dite inscription en droit et renvoie la dite action avec dépens."

The Court of Appeal has reversed this judgment and dismissed the inscription in law.

"*Trenholme, J.*, delivering the unanimous judgment of the court, said, in effect, that in a former case, recently before this court, in which the present appellant had taken a similar action against Mr. Thibaudeau, certain amendments had been made to the declaration in that case, and it was argued, in the present case, that the judgment of this court in the former case is not applicable and that the two cases are distinguishable.

"We cannot see any distinction between the two cases. The amendments made in the other case did not affect the similarity of the two cases. The present action is, therefore, in all respects similar to *Hyde vs. Thibaudeau*.

"The company in question here was incorporated in the United States, and the liquidator in Canada has no control over the company except with respect to the assets in Canada.

"The action was properly taken and this court follows the decision in *Hyde vs. Thibaudeau*. The appeal will be allowed, with costs.

Sir Louis A. Jetté, C. J. — Le jugement doit être renversé. Il ne s'agit pas d'une action paulienne, mais d'une action innommée, intentée par un liquidateur d'une compagnie incorporée pour rentrer en possession d'un actif.

Smith, Markey, Skinner, Pugsley & Hyde, attorneys for appellant.

Pentland, Stuart & Brodie, attorneys for respondent.

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NOTES.—See my notes under *Hyde vs. Thibaudeau*, 16 R. L., n. s., 425.