

to the petitioner, and, the petition alleged, with the intention of defrauding him. The moneys in court on which this lien was claimed were the proceeds of the sale of timber limits belonging to the company.

Certain objections were taken to the petition.

*Held*, (1) That although the petitioner has assigned his interests in the costs as security for money advanced, he still had such an interest as would entitle him to the lien: *Parker v. The Great Western Railway Company*, 9 C.B. 756.

(2) The fact that the services were rendered in 1883 did not bar the claim by the Statute of Limitations because: (a) As to Leacock & Shields they took out an order in August, 1889, for the taxation of these very costs, admitting thereby that they were liable. (b) As to Haggert & McLaren they had never been resident in this province, and the statute did not run in their favour.

(3) That although both suits were nominally against Leacock & Shields they were in reality against the interests of the Northwest Milling Company, of which Haggert & McLaren were declared partners, and that the action of the solicitor in defending these suits were beneficial to the company, and largely contributed to preserve the general assets of the company: *Grier v. Young*, 24 Ch.D. 545; *Bailey v. Birchall*, 2 H. & M. 371; *Callow v. Callow*, 2 C.P.D. 362; and *Jones v. Frost*, L.R. 7 Ch. App. 773.

(4) That there being an apparent collusion between the parties to defeat the petitioner's lien, and the moneys now in court being the proceeds of the general assets of the Northwest Milling Company, which general assets the petitioner's services were contributed to preserve petition was entitled to a lien on the moneys in court: *Brunsdon v. Allara*, 2 E. & E. 19; *Bellamy v. Connelly*, 15 P.R. 87.

Objections overruled, with leave to the respondents to bring evidence as to facts within three weeks.

*Mulock*, Q.C., for Shields.

*Perdue* for Logan, assignee of Leacock.

*Wilso.* for Haggert & McLaren.

*Howden* for the petitioner.

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