

is worth noting. The debtor made an assignment of his property to a company, which issued debentures authorising the debenture holders in certain events to appoint a receiver. A receiver was accordingly appointed and entered into possession of the assets and managed the business of the company. The debtor was adjudicated bankrupt and the assignment of his business to the company was declared to be fraudulent and void. In these circumstances, Phillimore, J., held that the receiver was bound to account to the trustee in bankruptcy for the assets and property he had received, and that he and the debenture holders were jointly and severally liable as trespassers, the receiver having no better status than the debenture holders by whom he was appointed.

PRACTICE—COUNTY COURT—CERTIORARI—REMOVAL OF ACTION
FROM COUNTY COURT TO HIGH COURT—NEGLECT OF PLAINTIFF
TO PROCEED AFTER REMOVAL OF ACTION.

Harrison v. Bull (1912) 1 K.B. 612 illustrates a rather peculiar point of practice. By agreement of the parties the action had been removed on the application of the defendant by certiorari from a County Court to the High Court. After the removal, the plaintiff failed to proceed with the action, and the present application was made by the defendant to compel him to proceed; but the Court of Appeal (Farewell and Kennedy, JJ.) affirmed the ruling of the Master, and Bucknill, J., that after a cause has been removed by certiorari, the plaintiff may proceed in the action or not as he thinks fit, and that there is no jurisdiction to compel him to proceed if he does not choose to do so.