

made, and North, J., was of opinion that under the rule in Clayton's case, the moneys so drawn out must be deemed to be appropriated to the moneys so paid in for these clients; but the Court of Appeal held that though the rule in Clayton's case would apply in case there were any dispute between the *cestius que trust* themselves, if there was not enough to pay them all, it could not be invoked against them by either the broker or by his judgment creditor, the latter having no greater right than the broker.

COMPANY—DIRECTOR'S QUALIFICATION—INJUNCTION.

Perhaps the only point necessary to be noticed in *Bainbridge v. Smith*, 41 Chy.D. 462, is this, that the Court of Appeal held that where a plaintiff sues for specific performance of a contract, whereunder he claims to be entitled to act as managing director of a company, and the company, besides disputing his qualification, by a resolution declare that even if he is qualified they do not wish the plaintiff to act as director, the Court will not grant an interim injunction to restrain the company from permitting the plaintiff to act as managing director *pendente lite*. The Court also pronounced an opinion as to the meaning of a director holding shares "in his own right," Cotton, L.J., being of opinion that the director must not only have the legal but also the beneficial right to the shares; while Lindley, L.J., thought that the expression meant that the director must hold the shares in such a way that the company may safely deal with them as his shares.

PRACTICE—SET OFF OF COSTS—SOLICITOR'S LIEN—ORD. LXV. r. 14—(SEE ONT. RULES 1204, 1205.)

In *Blakey v. Lathorn*, 41 Chy.D. 518, Kay, J., holds, following *Edwards v. Hope*, 14 Q.B.D. 932, that notwithstanding the terms of Ord. lxv. r. 14 (see Ont. Rules, 1204, 1205), a party can not claim the right to set off costs in separate actions to the prejudice of the lien of the solicitor for the opposite party, though he may do so as to costs payable in the same action.

Correspondence.

LANDLORD AND TENANT.

To the Editor of THE CANADA LAW JOURNAL:

SIR,—A "Subscriber" writes to you on the above subject and discusses certain features of what he is pleased to call "the O'Connor Act," now included in c. 143, R.S.O., 1887. In the first place, let me say that whatever blame is attachable, or whatever credit may be due, in respect of this legislation, Mr. O'Connor is not entitled to be charged specially with the responsibility of the Act. The Bill Mr. O'Connor introduced was withdrawn by him, and consisted of three lines, and was simply to the effect that distress for rent was thereby abolished. The Legislature never recognized the principle of Mr. O'Connor's