

the shares in question had been issued to Wragg and Martin as part of the consideration for the stock in trade, business and good will, which they had sold to the company. In fixing the amount of the purchase money, certain sums were set down for certain items of property, and it was attempted to be shown that some of the items were over-valued: but Williams, J., was of opinion that the value received by the company is measured by the price at which the company agreed to buy the property, and whilst the transaction is unimpeached, that is the only value the Court can take into consideration. While therefore a company cannot release a shareholder from obligation to pay for his shares either in money or money's worth, and cannot issue shares at a discount, it may, nevertheless, provided the contract is duly registered, buy property at any price it thinks fit and pay for such property, wholly or in part, by the issue of fully paid up shares: and such transaction will be valid and binding upon its creditors if the company has acted honestly and not colourably, and has not been imposed on by the vendor so as to be entitled to be relieved from the bargain. The decision of Williams, J., was affirmed by Lindley, Smith and Rigby, L.JJ.

ADMINISTRATOR PENDENTE LITE, LIABILITY OF, TO BE SUED.

*In re Toleman, Westwood v. Booker*, (1897) 1 Ch. 866, the defendant moved to stay all proceedings. The action was by a creditor of the late James Toleman to recover a debt, and so far as might be necessary for its payment, to administer the estate of the deceased and for the appointment of a receiver, also for the redemption of a mortgage. James Toleman had made a will, and as an action to determine the validity of the will was pending, the defendant had been appointed general administrator pendente lite. The defendant claimed that the plaintiff had no right without the leave of the Probate Division to sue him as administrator pendente lite; but North, J., was of opinion that the defendant was liable to be sued without any leave being first obtained, and dismissed the application with costs.