

defendants were indirectly depriving the plaintiffs of the benefit of their invention, and had infringed this patent, and he granted an injunction as prayed by the plaintiffs.

COMPANY—WINDING UP—PETITIONING CREDITOR—DEBENTURE STOCKHOLDER.

In re Melbourne Brewery (1901) 1 Ch. 453, Wright, J., held that a debenture stockholder, whose debenture stock was not in default either as to principal or interest, was not competent to petition for a winding up of the company.

FUND IN COURT—PAYMENT OUT OF COURT TO WRONG PERSON—STOP ORDER, NEGLECT TO OBTAIN—SOLICITOR—COSTS.

In *Bath v. Bath* (1901) 1 Ch. 460, a person entitled to a fund in Court agreed to an order vesting all his estate in a trustee for the benefit of creditors. The trustee, having no knowledge of the fund, did not obtain a stop order, nor did he obtain an order for its payment to him. Some years afterwards, the debtor finding the fund still in the Court, applied, ex parte, and obtained an order for its payment, and there being no entry in the books of the Paymaster-General shewing that any other person was entitled to the fund, it was paid out to the debtor; the solicitor obtaining the payment was aware of the vesting order but did not disclose it. The trustee now petitioned the Court for an order against the debtor and his solicitor to compel them to refund the money, and in case the money could not be recovered from them, that he might be paid by the Government. The debtor and his solicitor contended that the fund in Court was not intended to pass by the vesting order to the trustee, but this point was found against them, and they were ordered to refund the money and pay all the costs, but Kekewich, J., held that the Paymaster-General was in no way in fault, and that no order could be made for payment by the Government.