in France, consisting of three partners all domiciled in Paris and having no place of business in England. These defendants were sued in the firm name and leave having been obtained to serve them out of the jurisdiction they were duly served at the principal place of business of the firm. They applied to set aside the proceedings, on the ground that they could not be sued in the firm name. Astbury, J., granted the application and the Court of Appeal (Buckley and Phillimore, L.JJ.) affirmed his order: A typographical error appears in the headnote of this case, a very unusual thing, we may observe, in the Law Reports.

COMPANY—WINDING UP—SURPLUS ASSETS—PREFERENCE SHARES —CAPITAL RETURNED—RIGHTS OF PREFERENCE SHAREHOLDERS IN SURPLUS.

In re National Telephone Co. (1914) 1 Ch. 755. This was a winding-up proceeding. After payment of the ordinary and preference shares in full a surplus of assets remained, in which the preference shareholders claimed a right to participate, but Sargant, J., rejected the claim, holding that the preferential rights accorded to preference shareholders on the creation of the preference shares, either with respect to dividends or return of capital, is *prima facie* a definition of the whole of their rights as to such shares, and negatives any further or other rights to which, but for the specified rights, they would be entitled. It may be noted that the articles of association in this case expressly provided that the preference shares were not to share in surplus assets.

COMPANY—WINDING UP—EXAMINATION OF DIRECTORS—POWER TO ORDER EXAMINATION IN OPEN COURT—COMPANIES CONSOLIDATION ACT, 1908 (8 EDW. 7, c. 69) s. 174—(R.S.C., c. 144, s. 121).

In re Property Insurance Co. (1914) 1 Ch. 775. This was a winding-up proceeding in which the liquidator having found serious irregularities in the conduct of the company's business, had obtained *ex parte* a summons for the examination of certain directors of the company in open court The English Rules as to winding-up proceedings provide that such examinations may be taken before a registrar of the Court. The directors concerned applied to rescind the summons on the ground that it should not have been made *ex parte* and at all events should not have directed the examination to take place in open Court, the applicants being willing to submit to private examination before the registrar.