

MACMAHON, J.

JUNE 27TH, 1903.

WEEKLY COURT.

LUCAS v. TEGART.

Bankruptcy and Insolvency—Assignment for Creditors—Action by Creditors against Assignee—Distribution of Money—Costs Lien.

Motion by plaintiffs for judgment on further directions and costs after report of Master in an action brought by creditors of one Schaffer against defendant, as assignee of Schaffer for benefit of creditors, under R. S. O. ch. 124, alleging that they had been paid no dividend, charging defendant with having converted the assets of the estate to his own use, and asking for an account and administration of the estate.

The master reported that 26 creditors of the estate had not been paid a dividend, and that defendant had \$472.64 in his hands for distribution among the creditors.

C. A. Moss, for plaintiffs.

L. F. Heyd, K.C., for defendant.

MACMAHON, J.—Plaintiffs are entitled to judgment against defendant for the amount in his hands. And I follow *Randall v. Burrows*, 11 Gr. 364, and allow plaintiffs the costs of the action and reference and of this motion.

The amount of the judgment is to be paid into Court, and if plaintiff's are unable to recover the costs from defendant, plaintiffs' solicitors are to have a first lien on the fund in Court for their costs.

JUNE 27TH, 1903.

DIVISIONAL COURT.

COLBOURNE v. HAMILTON STEEL AND IRON CO.

Master and Servant—Injury to Servant—Rolling Mills—Dangerous Place—Absence of Guard—Factories Act—Defect in Ways and Premises—Workmen's Compensation Act—Evidence for Jury.

Plaintiff was employed by defendants in their rolling mills at Hamilton, and this action was brought by him to recover damages for injuries sustained by him. He had been working at a machine for punching holes in steel plates; something went wrong with the punch; plaintiff stepped back four or five feet while it was being set right; and almost immediately he was struck by the end of a long bar of red hot steel which was being run down to where he stopped. The