

the company's property, and as the defendant did not acquire the information or property by means of his fiduciary position or owing to his connection with the company, he is not accountable to company for profits made in such transactions.

Burns and Walkem, for plaintiff. *L. B. McPhillips*, K.C., *Laursen*, for defendant.

Martin, J.] IN RE TIE & TIMBER CO. (No. 2). [March 24.
COLAN v. THE SHIP RUSTLER.

Practice—Winding-up Act (D.) s. 22—Action by seaman for wages—Proceedings in Admiralty Court—Arrest of vessel—Leave to proceed in admiralty—Irregularity.

Where a company is being wound up pursuant to the Dominion Winding-up Act, in the Supreme Court, proceedings in the Admiralty Court on a claim for seaman's wages, taken without leave of the court having charge of the winding up, are not void, but only irregular.

In the circumstances here that leave should be granted without the imposition of terms.

A. M. Whiteside, for the liquidator. *Reid*, K.C., for plaintiff.

Irving, J.] [March 24.
ATWOOD v. KETTLE RIVER VALLEY RY. CO.

Practice—Postponement of statutory sittings—Fresh notice of trial—Whether necessary in consequence—Rule 440.

It is not necessary to give fresh notice of trial in consequence of the postponement of the statutory sittings.

S. S. Taylor, K.C., for plaintiff. *Lennie*, for defendant.

United States Decisions.

The right to an injunction to restrain a waterworks company from pumping water from artesian wells on its premises in such quantities as to reduce the level of the water in a well on other premises below its normal height was denied in *Erickson v. Crookston Waterworks, P. & I. Co.* (Min.) 117 N.W. 435, 17 L.R.A. (N.S.) 650.