

Chy. Div'l Court.]

[June 1.

IN RE DRURY NICKEL CO.

Costs—Winding-up of company—Creditors' solicitors—Payment out of assets—Services and attendances—Regulation of.

Upon a reference for the winding up of a company the referee appointed a firm of solicitors to represent the general body of creditors, and ordered that they should be notified to attend whenever he so directed, and that their costs, as between solicitor and client, should be paid out of the assets.

Held, that this class of order and liability was not favoured by the courts, and should be invoked and attendance thereunder had only when there was any special question on which the appearance of some one to represent the creditors was desirable; that attendances and services should not be paid out of the assets except when contemporaneously approved of by the referee; and it was not proper practice to extend this at the close of the proceedings by obtaining a certificate from him that, had he been applied to from time to time, he might have provided for other attendances and services.

Order of MEREDITH, C.J., reversed.

F. J. Travers for the liquidator.

D. Armour for the solicitors.

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[June 1.

POLLARD v. WRIGHT.

Venue—Change of—Cause of action—Residence of parties—58 Vict., c. 13, s. 21—"Good cause."

By s. 21 of 58 Vict., c. 13, it is provided that every action in the High Court shall be tried in the county in which the cause of action arises, in case all the parties reside in that county, provided that, "for good cause shown," a judge may order the action to be tried in another county.

Held, that this applied to an action pending before it was passed; and that where the cause of action arose, and all the parties resided in one county, a very strong case would have to be made before a trial in another county would be ordered.

C. H. Widdifield for the plaintiff.

Masten for the defendant Milling.

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[June 1.

CLARKSON v. DUPRÉ.

Writ of summons—Service out of jurisdiction—Rules 271 (e), 1309—"Tort"—Action to set aside preferential transfer of goods.

Action against defendants residing in the Province of Quebec, brought by the assignee for the benefit of creditors of one of them, for a declaration that the transfer of certain goods in Ontario by the assignor to the other defendant—which goods had since been removed to the Province of Quebec—was preferential and void and should be set aside, and for an order for delivery up of the goods or the proceeds to the plaintiff, and for an account.