

In ordinary circumstances, fairness and convenience require that, when one person is required to testify at the instance of another, the examination should take place where the person to be examined resides. This is emphasised by Rules 227, 228, 337, 345, 347, 580.

No special circumstances were suggested in this case: no reason was given for putting the plaintiff to the inconvenience and loss to which the order in appeal would subject him, without any substantial benefit to the defendants.

The appeal should be allowed, and the order be amended so as to provide for the examination taking place in New York; costs to the plaintiffs in the action in any event.

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MEREDITH, C.J.C.P., IN CHAMBERS.

MARCH 23<sup>RD</sup>, 1918.

\*RE IDEAL FOUNDRY AND HARDWARE CO.

*Company — Winding-up — Custody of Goods in Possession of Sheriff under Execution—Right of Liquidator—Claims of Alleged Purchasers—Winding-up Act, secs. 33, 84, 133.*

Appeals by one Arnold and one Winterjoiner, claimants, from an order of J. A. C. CAMERON, Official Referee, appointed Referee under an order for the winding-up of the company, for the interim preservation of the chattel property of the company by placing it in the custody of the liquidator pending an inquiry into the validity of the claims of the appellants, who alleged that they had bought the property.

A. C. Heighington, for Arnold.

A. E. Knox, for Winterjoiner.

M. L. Gordon, for the liquidator.

MEREDITH, C.J.C.P., in a written judgment, said that the substantial question involved was: whether the appellants or the liquidator of the company should have possession of the goods in question, which goods were admittedly at one time the property of the company, and, at the time when the winding-up order was made, were in the custody of the sheriff, in the building which had been in the occupation of the company and in which its business had been carried on, under a writ of execution against the goods and lands of the company. And the answer to that question