

and also that, inasmuch as fraud on the part of the defendant is a direct issue raised on the pleadings, the privilege is taken away: *Regina v. Cox*, 14 Q. B. D. 153; *Williams v. Quebrada Railway Land and Copper Co.*, [1895] 2 Ch. 751; *Smith v. Hunt*, 1 O. L. R. 334; *Cutten v. Mitchell*, 10 O. L. R. 734, 738; *Bullivant v. Attorney-General for Victoria*, [1901] A. C. 196.

Motion granted with costs to the plaintiff in any event.

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MEREDITH, C.J.C.P.

OCTOBER 15TH, 1909.

RE WILLIAM HAMILTON MANUFACTURING CO.

*Company—Winding-up—Claim of Bank on Securities Assigned by Company—Notice of Assignment to Persons Liable on Securities—Absence of—Status of Liquidator to Object.*

An appeal by the liquidator of the William Hamilton Manufacturing Co. Limited in a proceeding for the winding-up of the company under the Winding-up Act, R. S. C. ch. 144, from a certificate of the local Master at Peterborough allowing the claim of the Ontario Bank.

W. D. McPherson, K.C., and F. D. Kerr, for the liquidator.

J. H. Moss, K.C., for the Ontario Bank.

MEREDITH, C.J.:—The only objection against the ruling of the Master urged upon the argument was that the Ontario Bank were not entitled to the benefit of certain securities assigned to them by the company, because notice of the assignment had not been given to the persons liable upon the securities; and that objection is not entitled to prevail, as the appellant, as liquidator, stands in no better position than the company, and the assignment as to the company was effectual to transfer the securities, in equity at all events, notwithstanding that notice of it was not given to the persons liable.

Appeal dismissed with costs.