

not arise in Leeds. The execution by the common grantor of the deed to defendant was the beginning, if not the whole, of the alleged cause of action; and this deed was executed at Toronto, and presumably delivered there also. The execution of the deed would properly be considered the *causa causans* of the action: *Orford v. Bresse*, 16 P. R. 332; *Cherry v. Thompson*, L. R. 7 Q. B. 573; *Holland v. Bennett*, [1902] 1 K. B. 867.

Motion dismissed. Costs in the cause.

TEETZEL J.

OCTOBER 10TH, 1903.

CHAMBERS.

RE STRATHY WIRE FENCE CO.

Company—Petition for Winding-up Order—Previous Assignment for Benefit of Creditors—Refusal of Petition—Discretion—Merits—Leave to Appeal.

Petition by Robert L. F. Strathy, for an order for the winding-up of the company under the Dominion Act. The petitioner had organized the company and was its secretary-treasurer. He petitioned as a creditor for \$466 and also as a shareholder with \$5,900 paid up on his shares. The subscribed capital stock of the company was \$20,450, on which \$19,591 had been paid. The company carried on business for two years, and suffered considerable loss during each year. At a meeting of shareholders held on 16th March, 1903, the insolvency of the company being apparent, a resolution to assign was unanimously passed, and on the 17th March an assignment to G. S. Kilbourn, of Owen Sound, was executed on behalf of the company by its president and by Strathy as secretary-treasurer. A meeting of creditors and shareholders was held on the 26th March, at which Strathy was present, and the assignment was ratified and confirmed, and three inspectors were appointed, one of them being Mr. Creasor, a solicitor who represented Johnson & Nephew, the largest creditors, whose claim was about \$11,000. The total liabilities of the company were about \$20,000. On 30th March Strathy submitted to the assignee an offer of \$16,000 for the entire assets of the company, the payment of the purchase money to be spread over a year. On 9th April he amended his offer by providing for a cash payment of \$2,000, the