

sided abroad. It was shown that plaintiff's interest in the partnership assets within the jurisdiction was nominal, and that he was largely indebted to the partnership.

Held, that the existence of property within the jurisdiction belonging to a plaintiff must be clearly shown, and not subject to dispute, and that the application should be granted.

C. A. Palmer, Q.C., and *Montgomery*, for the application.
MacRae, contra.

TUCK, C.J. }
In Chambers. }

GREENE v. PUGSLEY.

[Aug. 24.

Practice—Action against attorney—Privilege—Setting aside plea—60 Vict., c. 24, s. 133.

An action against the defendant, an attorney of the Court, was commenced by the ordinary writ of summons, and the declaration was for money paid and money had and received. The defendant pleaded in abatement that he was attorney of the Court, and could only be sued by bill filed and exhibited against him as being present in Court. The plaintiff applied under 60 Vict. c. 24, s. 133, to have the plea struck out on the ground that it was framed to prejudice, embrace and delay the fair trial of the action.

Held, that an attorney may be sued by writ of summons, and plea ordered to be struck out.

Jordan, Q.C., for the plaintiff.
Earle, Q.C., and *MacRae*, for the defendant.

TUCK, C.J. }
In Chambers. }

[August 24.

IN RE LIQUIDATORS OF ST. JOHN BUILDING SOCIETY.

IN RE EXECUTORS OF EDWARD HAYES.

Winding-up Act—R.S. Can. c. 129, ss. 43, 44—Executors of deceased shareholder—Contributories.

A shareholder of the St. John Building Society was placed by liquidators on the list of contributories by reason of his double liability, but no steps were taken against him to recover the amount payable by him as he was thought to be in straitened circumstances. At his death it was learned that he was possessed of considerable property.

Held, that under R.S.C. ss. 43, 44, c. 129, his executors should be placed on the list of contributories of the society for the amount payable by him, but under the circumstances they should not be charged with interest.

C. J. Coster, for the liquidators.
J. L. Carleton, for the executors.