

the exception "reasonable wear and tear and damage by fire only excepted:"—

*Held*, MAGEE, J., dissenting, that the added words were not an exception to or qualification of the short form within the meaning of the Act; that the words had to be construed as they stood without the aid of the extended form; and therefore that the exception as to damage by fire did not apply.

Judgment of BOYD, C., affirmed.

Armour, K.C., for appellants. German, K.C., for respondents.

Divisional Court.]

[March 17.

SASKATCHEWAN LAND CO. v. LEADLEY.

*Venue—Con. Rule 529 (b)—Parties in county where cause of action arose.*

*Held*, that the equity of Con. Rule 529 (b) that where the cause of action arose, and the parties reside in the same county, the place to be named as the place of trial shall be the county town of that county—should be held to govern the case in which the cause of action has arisen in the county in which all the parties to it who are within the jurisdiction reside, although there are other parties who are outside the jurisdiction, as was the case here; and venue changed accordingly.

*Snow*, for defendant, J. T. Moore. *St. John*, for defendant, the Leadleys. *McLennan*, for plaintiffs.

From MacMahon, J.]

[March 17.

IN RE CANADA WOOLLEN MILLS.

*Company—Winding-up—Inspector—Purchase of assets—Liquidator—Sale of assets—Approval of Court.*

An inspector appointed in liquidation proceedings under the Dominion Winding-up Act, R.S.C. 1886, c. 129, is in a fiduciary position as regards the disposal of the assets, and cannot, without the consent of all persons interested, become the purchaser thereof.

In such liquidation proceedings the power to sell the assets is by the Act vested in the liquidator, not in the Court, though the liquidator must obtain the approval of the Court as a condition of exercising the power of sale.

Judgment of MACMAHON, J., 8 O.L.R. 581, 40 C.L.J. 858, affirmed.

*Hellmuth*, K.C., and *Crerar*, K.C., for appellant. *W. H. Blake*, K.C., for respondents. *H. Cassels*, K.C., for liquidator.