

the plaintiff establishing the trust, to make an immediate decree for payment of principal and interest. But it was held by Fry and Lopes, L.JJ. (Cotton, L.J., dissenting), that the defendant was not bound to answer interrogatory 23, because an interrogatory asking in substance whether the defendant had not been in such a position that he must know whether the allegations in the statement of claim were true or false, did not relate to any "matter in question in the cause" within the meaning of Ord. 31, r. 1 (Sec. C.R. 487). This appears to be rather a technical restriction of the right of discovery, and we doubt whether it would prevail in this Province.

PRACTICE—ATTACHMENT—ORD. 44, R. 2 (C.R. 879)

In *Davis v. Galmoye*, 39 Chy. D. 322, it was held that an application for leave to issue a writ of attachment for contempt, must be made in Court and not in Chambers: Ord. 44, r. 2 (C.R. 879).

COMPANY—DIRECTOR—QUALIFICATION SHARES, TRANSFER OF, TO ESCAPE LIABILITY—MEMBERS—SHAREHOLDERS.

Perhaps the only points for which it is worth noticing *In re South London Fish Co.*, 39 Chy. D. 325, is the decision of Kay, J., which was affirmed by the Court of Appeal (Cotton, Fry and Lopes, L.JJ.), that directors of a company cannot validly transfer their qualification shares for the purpose of escaping liability, and that their doing so is a fraud on the creditors of a company; and also the dictum of Cotton, L.J., that "members" of a company does not necessarily mean "shareholders," and that directors may continue to be "members" even though they have parted with their shares.

MASTER AND SERVANT—DISMISSAL OF SERVANT FOR BREACH OF DUTY—SECRET PROFIT MADE BY SERVANT.

In *Boston Deep Sea Fishing Co. v. Ansell*, 39 Chy. D. 339, the defendant was employed as managing director of the plaintiff company for five years at a yearly salary. On behalf of the company the defendant contracted for the construction of fishing smacks, and, unknown to the company, took a commission from the shipbuilders on the contract. Several months afterwards the plaintiffs dismissed the defendant on the ground of other alleged acts of misconduct, which they were not able to substantiate in the action, being at the time ignorant of his receipt of the commission from the shipbuilders. The defendant was a shareholder in an Ice Company and Fish Carrying Company, which paid in addition to ordinary dividends, bonuses to shareholders who were owners of fishing smacks and employed the companies in supplying ice and carrying for them. The defendant employed these companies in respect of the plaintiffs' smacks and received bonuses as if the smacks were his own. The plaintiffs brought the action to compel the defendant to account for commissions and bonuses so received.