

Prac.]

NOTES OF CANADIAN CASES.

[Prac.]

chiefly on the doctrines of implied grant, and the natural right to support.

*Held*, that the plaintiff was entitled to a perpetual injunction and order of restitution as asked.

A. H. F. Lefroy, for the plaintiff.

J. Tilt, Q.C., for the defendant.

PRACTICE.

Boyd, C.]

[Nov. 19, 1884.

RE JOSEPH HALL MANUFACTURING CO.

*Winding up order—45 Vict. c. 23 C.—Carriage in Master's Office—Jurisdiction of Master in Chambers.*

On the application of Peter Ryan, a creditor of the Joseph Hall Manufacturing Co., the Master in Chambers on the 4th November made an order for winding up the Company, under 45 Vict. c. 23 C. Ryan's application was made by a solicitor who had formerly acted as solicitor for the Company.

Three other creditors of the same Company now applied to the Court for a similar order to that obtained by Ryan, and to set aside Ryan's on several grounds, or in the alternative for an order giving them the carriage of the proceedings under Ryan's order in the Master's Office.

*Held*, that it is preferable to have the winding up conducted by solicitors who are totally disconnected with the Company to be wound up.

It was not competent for the Master in Chambers to make an order under section 77 of the Act as amended by 47 Vict. c. 39, s. 5 C., referring the winding up to the Master in Ordinary. That may be done by a judge as in conformity with the usual course of proceedings in other causes and matters, but it is not the practice, save in one or two exceptional cases, to have references ordered by the Master in Chambers to the Master in Ordinary.

The intention of the Act is that the Master in Chambers, or Local Master, or Master in Ordinary may grant a winding-up order and conduct all the proceedings necessary therefor

in his own office and before himself as a judicial officer.

The carriage of the proceedings was accordingly given to the applicants.

William Roaf, for the applicants.

Moss, Q.C., for Ryan.

Dalton, Q.C. }  
Rose, J. }

[Dec. 19, 29, 1884.

MINKLER v. McMILLAN.

*Discovery—Partner—Rule 224, O. J. A.*

An action against an endorser of a promissory note brought by a member of the firm of bankers who discounted it. The firm was composed of two members only, B. & M. B. & M. dissolved partnership, and the action was brought after the dissolution in the name of M. only.

On the application of the defendant the Master in Chambers made an order under rule 224, O. J. A., for the examination of and the production of documents by B. as a person for whose immediate benefit the order was being prosecuted.

On appeal from this order.

ROSE, J., thought the evidence as to the interest of B. unsatisfactory, but refused to set aside the order of the Master, varying it however by directing that the examination of B., and his affidavit on production should not be used except for the purpose of discovery.

Millar, for the appeal.

Clement, contra.

C. P. Div.]

[Jan. 3.

RE McCALLUM v. GRACEY.

*Prohibition—Division Court—Cause of action—43 Vict. c. 8, s. 8-12 O.*

A motion for prohibition to the First Division Court of the County of Halton, on the ground that the defendants did not reside within the jurisdiction, and that the whole cause of action did not arise therein.

An action brought upon a promissory note by the administratrix of the payee against the executor and executrix of the maker.

The note was dated, "Milton, 17th September, 1877," and was for \$100 payable three months after date at Milton, with interest at