

however, a clear indication that the testator intended the second codicil to be a substitute for the first, and Jeune, P.P.D., so held, and granted probate of the will and second codicil only, as prayed.

COMPANY—RECEIVER AND MANAGER, RIGHT OF, TO INDEMNITY—DEBENTURE-HOLDERS—MONEY ADVANCED BY CREDITORS OF COMPANY TO COMPLETE CONTRACTS—PRIORITY.

In *Strapp v. Bull*, (1895) 2 Ch. 1, a joint stock company had been directed to be wound up. Certain contracts entered into by the company were then uncompleted, and by an arrangement agreed to between the debenture-holders and unsecured creditors of the company, which was embodied in a consent order made in the winding up, certain moneys were advanced by some of the debenture-holders and unsecured creditors to enable the outstanding contracts of the company to be completed, and receivers and managers were appointed to carry out the contracts. It was agreed that these advances were to be a first charge on the assets of the company in priority to the debentures, and that the unsecured creditors who made the advances were to become second debenture-holders. The contracts were carried out, but in completing them the receivers and managers expended considerable further sums over and above the moneys advanced, and in respect of which they claimed to be indemnified out of the assets of the company in priority to the advances made by the debenture-holders and creditors, and also in priority to the debentures. Williams, J., refused to give them this relief, but the Court of Appeal (Lord Halsbury, and Lindley and Smith, L.JJ.) held that they were entitled to it.

PRACTICE—SERVICE OUT OF JURISDICTION—ORDER FOR ADMINISTRATION.—ORD. XVI., R. 40 (ONT. RULE 322)—ORD., JANUARY 10, 1894 (ONT. RULE 1309).

In *re Cliff, Edwards v. Brown*, (1895) 1 Ch. 21; 13 R. May 215, serves to show that it is not in this Province only that the Rules of Court are sometimes improvidently passed. The English Rules of 1883, providing for service out of the jurisdiction, only applied to writs of summons. In November, 1893, they were amended so as to authorize service of an originating summons, and an administration judgment or order out of the jurisdiction, but in January, 1894, these amendments were ill-advisedly annulled, and, as this case shows, the power to serve an admini-