

RE AUTO TOP AND BODY CO. LIMITED—FALCONBRIDGE,
C.J.K.B.—MARCH 24.

Company—Winding-up—Disputed Claim of Trustee-assignee for Benefit of Creditors to Payment for Services—Direction for Litigation of Dispute in Action to be Brought.—Appeal by the liquidator of the company from a ruling of the Master in Ordinary upon a reference for the winding-up of the company under the Winding-up Act, R.S.C. 1906 ch. 144. The learned Chief Justice said that the most important questions to be determined were (1) the right of the trustee-assignee to retain or pay to himself the sum of \$600 for his services under the assignment, and (2) the question whether such sum was a reasonable amount for him to charge. As the only satisfactory way, under all the circumstances, to dispose of this matter, the learned Chief Justice directed the Master to order an action to be brought against the trustee-assignee for the repayment by him of the said sum, or such part thereof, if any, as should be determined to be excessive. Costs of this motion to be costs in the cause in the said action. J. P. MacGregor, for the liquidator. Shirley Denison, K.C., for creditors.