

hours more than the maximum amount fixed by the schedules for a single day's sitting.

*Armstrong v. Darling*, 22 C.L.J. 149, overruled.

Decision of STREET, J., affirmed.

*W. H. Blake* for the town corporation.

*C. J. Holman* for the county corporation.

Div'l Court.]

[March 4.]

ARMSTRONG v. TORONTO RAILWAY COMPANY.

*Discovery—Production of documents—Report as to accident—Names of witnesses—Privilege.*

In an action for damages for personal injuries received by the plaintiff in a tramway car accident, as to which the conductor of the car had made a report to the defendants ;

*Held*, that the portion of the report containing the names of the eye-witnesses of the accident was privileged from production.

*W. R. Smyth* for the plaintiff.

*Bain*, Q.C., for the defendants.

OSLER, J.A.]

[March 6.]

IN RE COSMOPOLITAN LIFE ASSOCIATION.

IN RE COSMOPOLITAN CASUALTY ASSOCIATION.

*Costs—Company—Winding up—R.S.O., c. 183—Jurisdiction of County Court—Personal order against liquidator for costs—Rule 1256.*

An order was made by a County Court, under R.S.O., c. 183, for the winding up of the companies, and a liquidator was appointed, who brought in a list of contributories. The contributories showed cause to their names being settled upon the list, and the court made an order in the case of each of them reciting that it appeared there was no jurisdiction to make the winding-up order and that all proceedings were irregular or null, and ordering that each contributory should have his costs of showing cause, to be paid by the companies and the liquidator.

*Held*, that if there was jurisdiction to make the winding-up order the contributories could not defend themselves by showing that it was irregular or erroneous ; and if there was no jurisdiction all the proceedings were *coram non jure*, and there was no jurisdiction, the court being an inferior one, to order the liquidator or the companies to pay the costs.

And even if there was jurisdiction, in the circumstances of this case it should not have been exercised against the liquidator.

Rule 1256 does not apply to proceedings under the Winding-up Act, either by virtue of s. 34 of the Act, or otherwise.

*Shepley*, Q.C., and *B. N. Davis* for the appellants.

*W. H. Blake* for the respondents.