

I am asked to make an order protecting the magistrate. I am discharging the prisoner ex debito justitiæ. I have no power in such a case to make an order for protection of the magistrate: *Rex v. Lowery* (1908), 15 O.L.R. 182; and I am not sure that I would make the order if I had the power. See *Rex v. Nelson*, 18 O.L.R. 484. It is not too much to expect that a man who applies for or accepts a position as a salaried magistrate will bring to the discharge of his important functions at least a fundamental knowledge of the provisions of the Criminal Code and the outstanding principles governing the administration of justice; and the evidence here if it is to be looked at would suggest to me the wisdom of an inquiry as to sanity rather than an immediate conviction. Costs were not referred to, and I make no order.

KELLY, J., IN CHAMBERS.

OCTOBER 16TH, 1914.

**BREWSTER v. CANADA IRON CORPORATION LIMITED.**

*Company—Order for Winding-up Made in Another Province—  
Application for Leave to Proceed with Action Brought in  
Ontario against Company before Order—Dominion Wind-  
ing-up Act, sec. 125.*

Application by the plaintiff for leave to proceed with this action, notwithstanding an order for the winding-up of the defendant company.

H. E. McKittrick, for the plaintiff.

D. C. Ross, for the defendants.

KELLY, J.:—Subsequent to the commencement of this action, on the 9th August, 1913, an order was made under the Winding-up Act (Dominion) by the proper Court in the Province of Quebec to wind up the defendant company. The head office of the defendants is in Montreal, but they have carried on part of their operations at Midland, Ontario. The action is brought in respect of the death of the plaintiff's son, which occurred at the defendants' works at Midland. The liquidators are the Montreal Trust Company, whose head office is in Montreal, and Edgar MacDougall, of that city. The application is for leave to proceed with the action.