

# The Ontario Weekly Notes

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## APPELLATE DIVISION.

MAY 5TH, 1914.

RE TAYLOR.

*Assignments and Preferences—Assignment for Benefit of Creditors—Claims upon Insolvent Estate—Contestation by Creditor in Name of Assignee—Order of County Court Judge Permitting—Jurisdiction—Assignments and Preferences Act, R.S.O. 1914 ch. 134, sec. 12, sub-secs. 1, 2.*

Appeal by the assignee for the benefit of creditors of J. G. Taylor, an insolvent, from an order made by a County Court Judge, under sec. 12 of the Assignments and Preferences Act, R.S.O. 1914 ch. 134, giving one John A. Lawson, a creditor of the insolvent, leave to contest the claims upon the estate of certain persons. Leave to appeal was given by FALCONBRIDGE, C.J. K.B., ante 175.

The appeal was heard by MULOCK, C.J.Ex., CLUTE, RIDDELL, SUTHERLAND, and LEITCH, JJ.

R. W. Hart, for the appellant.

W. H. McFadden, K.C., for Lawson, the respondent.

The judgment of the Court was delivered by MULOCK, C.J. Ex.:—The debtor made an assignment of his estate to Blain for the benefit of creditors; and certain of the debtor's relatives filed claims against the estate. The assignee, on instructions from the inspectors, decided not to contest these claims. Thereupon one Lawson, a creditor, on application to the Judge of the County Court, obtained an order authorising Lawson, upon getting security, to contest these claims for his own benefit, but in the assignee's name; and the 3rd clause of the Judge's order