

RE CANADIAN FIBRE WOOD AND MANUFACTURING CO. LIMITED—  
FALCONBRIDGE, C.J.K.B., IN CHAMBERS—APRIL 24.

*Company—Winding-up—Dominion Winding-up Act—Assignment for Benefit of Creditors—Conduct of Proceedings—Several Petitions—Creditor or Shareholder—Mistake in Affidavit—Leave to File Amended Affidavit—Foreign Corporation Petitioner—Leave to File License—Stay of Winding-up Order—Leave to Apply.]—Motion for a winding-up order.* The learned Chief Justice said that the winding-up, if it had to proceed, ought to take place under the Dominion Winding-up Act, and not under the assignment for the benefit of creditors, for obvious reasons. Then who should have the carriage of the proceedings? The Price Brothers Company's petition was prior in point of time—it was alleged by a trick—but of that the Court had no knowledge. It is better that a creditor should have the conduct of the matter than a shareholder. It must be assumed that the liquidator would investigate the matters alleged by the petitioners Millons, in the interests of creditors and in accordance with his duty. There was a type-writer's slip in the affidavit proving the Price Brothers Company's debt—reading "Price Brown & Co. Ltd." instead of "the Price Brothers Company Limited." But the earlier part of paragraph 2 of G. B. Ball's affidavit verified the petition, and leave should be given to these petitioners to file an amended affidavit nunc pro tunc. It was said that the Price Brothers Company were a foreign corporation. There was nothing in the material on the subject; and the Chief Justice said that he had been dealing with them as a local corporation. If necessary, they should have leave to file a license to do business here. An order should be made for winding-up. N. L. Martin named as interim liquidator. Usual reference to the Master to name a permanent liquidator, etc. This order to be stayed for a reasonable time to allow of calling a meeting of shareholders. Two days' notice of its renewal might be given by any party having a locus standi. George Wilkie, for the Price Brothers Company and other creditors, petitioners. J. A. McEvoy, for McKenzie, secretary. G. B. Balfour, for the company. W. H. Wallbridge, for Mrs. Millons, shareholder and petitioner.