

was made striking their names off the list of contributories. See *Hood v. Eden*, 36 S. C. R. 476. The formal order of the Supreme Court made the following disposition of the costs: "And this Court did further order and adjudge that the said respondent (the liquidator) should and do pay to the said appellants (Hood and Snow), out of the assets of the said the Baden Machinery Company, the costs incurred by the said appellants as well in the Court of Appeal of Ontario, and in the Hight Court of Justice, as in this Court." The costs of the appellants were taxed in the Supreme Court at \$852.69, and in the Court of Appeal and High Court at \$868.37, making a total of \$1,721.06, which the liquidator has been ordered to pay "out of the assets" of the Baden Machinery Company. The affidavit of the liquidator shews that the assets of the company consist of \$1,184.09 in Court and \$600 to his credit in the bank, and "that the costs of the winding-up proceedings and of the litigation incident thereto, including the fees payable to the local Judge to whom the matter was referred, and before whom the proceedings have been carried on, are still unpaid: . . . that I have not as yet received any remuneration for my services as liquidator." The affidavit further sets forth the steps taken to ascertain the facts connected with the supposed liability of Hood and Snow to the company, and the care taken by the liquidator.

This feature of the case, I think, must be resolved in favour of the liquidator, and it would appear that he was entirely justified in the attempt made; he had the judgment of the local Judge, in turn affirmed by Mr. Justice Ferguson, and by the Court of Appeal, as well as the views of two Judges in the Supreme Court in his favour. Out of 11 Judges before whom the matter came, 8 were of opinion that the contention of the liquidator was right, and that Hood and Snow were liable as contributories. The liquidator was well advised in the course he took; indeed, had he omitted to present to the Court the evidence in his hands looking to the liability of Hood and Snow, he would have scarcely been doing his duty.

The costs of Lewis & Co., the creditors who obtained the winding-up order, have not been paid, and the representatives of Mr. J. M. Staebler have an order against the liquidator for the payment of certain costs.