

argued before me as a motion for judgment, and the merits were gone into, and if the defendant so elects within one week, my order will be that, on execution by him of the quit-claim and on payment of costs (which I fix at \$10), this action shall be discontinued.

Lees & Hall, Ottawa, solicitors for plaintiff.

MacCraken, Henderson, & McDougal, solicitors for defendant.

FALCONBRIDGE, C.J.]

[MARCH 1ST, 1902.

WEEKLY COURT.

RE PRESCOTT ELEVATOR CO.

*Company — Winding-up — Terms of Order — Execution Creditor —  
Priorities.*

Motion for a winding-up order under the Dominion Winding-up Act, heard in the Ottawa Weekly Court.

J. I. MacCraken, Ottawa, for the petitioners.

F. A. Magee, Ottawa, for Dunn, an execution creditor of the company.

FALCONBRIDGE, C.J.—(1) There will be a declaration that this company is a corporation to which the provisions of the Winding-up Act and amendments are applicable. (2) Declaration that the company be wound up under the provisions of the said Act and amendments; and an order directing the winding-up of the same under said provisions. (3) Order appointing the Ottawa Trust and Deposit Company, Limited, provisional liquidator. (4) Order referring it to the Master at Ottawa to appoint a permanent liquidator, and to wind up the company. (5) Usual order as to costs. (6) It was stated that the judgment creditor Dunn has an execution in the sheriff's hands. It is not the intention of this order that the fruits of his diligence should be taken away from him, if he has placed himself in any position of priority. If he has done so, the Master shall direct the liquidator to sell such chattels as may be found exigible for the benefit of the execution creditor.