

HON. SIR G. FALCONBRIDGE, C.J.K.B., IN CHRS.

APRIL 4TH, 1914.

RE TAYLOR.

6 O. W. N. 175.

*Bankruptcy and Insolvency—Assignment for Benefit of Creditors—
Creditor Suing in Name of Assignee—Order of County Court
Judge Allowing—Leave to Appeal.*

FALCONBRIDGE, C.J.K.B., granted leave to appeal from the order of a County Court Judge giving leave to a creditor to sue in the name of the assignee to set aside a transfer of property by an insolvent.

Motion by the assignee for the benefit of creditors of J. G. Taylor, an insolvent, for leave to appeal from an order made by a County Court Judge under the Assignments and Preferences Act, giving one John A. Lawson, a creditor of the insolvent, leave to bring an action in the name of the assignee in respect of a transfer of property by the insolvent.

W. R. P. Parker, for assignee.

W. H. McFadden, K.C., for John A. Lawson, a creditor.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—I am of the opinion that special leave ought to be granted to the assignee to appeal from the order of the learned County Judge.

It is better that the question involved, which is manifestly one of great importance and one which ought to be definitely settled, should be disposed of *in limine* rather than that the creditor should be left, in the event of his succeeding in the contestation and of there being an appeal, to face the additional difficulty suggested in *Campbell v. Halley* (1895), 22 A. R. at p. 226.

Costs of this motion to be costs in the proceeding.