

MASTEN, J., in a written judgment, said that the company had made a general assignment for the benefit of its creditors, and the petitioner, being a creditor, would, under ordinary circumstances, be entitled to a winding-up order. A substantial number of creditors appeared on the application and asked that the disposition of the assets of the company might proceed under the assignment and that the application to wind up be refused.

The judgment of the Court of Appeal in the case of *In re Strathy Wire Fence Co.* (1904), 8 O.L.R. 186, made it plain that there was jurisdiction, in the present circumstances, to refuse the application. Having regard, however, to the suspicions which are put forward on the part of the petitioner and of certain other creditors, the learned Judge did not think it right to refuse the petition, and he exercised the jurisdiction conferred by the Act by adjourning the further hearing of it until the first day after the long vacation. Meantime the assignee would be entitled to proceed with the winding-up of the estate.

In case the winding-up and distribution of the estate should proceed satisfactorily under the assignment, it might become unnecessary to press this petition further, and in that event nothing contained in this judgment should in any way prejudice the claim of the petitioner to costs of the present application so far as it had gone, as there was nothing to indicate that it was not made bona fide and in the honest belief that it was necessary.

SUTHERLAND, J., IN CHAMBERS.

JUNE 17TH, 1920.

***MONTREUIL v. ONTARIO ASPHALT BLOCK CO.
LIMITED.**

Appeal—Proposed Appeal by Plaintiffs to Supreme Court of Canada—Proposed Appeal by Defendants from same Judgment to Privy Council—Motions for Allowance of Security in both Cases—Supreme Court Act, R.S.C. 1906 ch. 139, sec. 75—Privy Council Appeals Act, R.S.O. 1914 ch. 54, sec. 3—Priority of Plaintiffs' Appeal by Earlier Filing of Security—Right of Appeal to Canadian Court—Refusal to Allow Security on Appeal to Privy Council.

Motion by plaintiffs for an order approving of the security furnished by them upon a proposed appeal to the Supreme Court of Canada from the judgment of the First Divisional Court of the Appellate Division, 47 O.L.R. 227, ante 37; and motion by