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OSLER, J.A.

SEPTEMBER 5TH, 1902.

C.A.—CHAMBERS.

RE EQUITABLE SAVINGS, LOAN, AND BUILDING
ASSOCIATION.

*Appeal—Order under Ontario Winding-up Act—Right of Appeal—
Final Order—Practice—Settlement of Appeal Case.*

Motion by respondent to quash appeal from order of County Judge of York rescinding order previously made by him under sec. 41 of the Ontario Joint Stock Companies Winding-up Act, R. S. O. ch. 222, for the dissolution of this company. The motion to quash was made on the ground that the appeal case had not been settled in accordance with the practice prescribed in the case of appeals from the High Court. The papers were transmitted to the officer of the Court of Appeal and were printed by the appellant, and a copy thereof with reasons of appeal was delivered to the respondent.

A. B. Aylesworth, K.C., for respondent.

C. D. Scott, for appellant.

OSLER, J.A., held that sec. 27 of the Act at present contains the code of procedure in an appeal of this nature. No provision is made in the Consolidated Rules to meet the case. The appellant must proceed with his appeal according to law, i.e., according to what is required by sec. 27. The practice hitherto, when the case has come before a single Judge, has been to send up the original papers and hear the appeal upon them: see *In re D. A. Jones*, 19 A. R. 63; *In re Haggert Co.*, 20 A. R. 597; *Re Cosmopolitan Life Assn.*, 15 P. R. 185.

The order is a final one, and as the appeal is in fact set down for hearing by the Court of Appeal, and not by a single Judge, the point cannot be disposed of in this forum. Motion, consequently, dismissed. Costs to the appellant.