

in relation to the use on the streets of the town, of abusive, insulting and provoking language to any person thereon. The offence consisted in the use on one of the streets of the town of the words "scab," "damn scab," "born scab," and other like expressions addressed to the informant. The words were uttered at a time when a number of workmen were carrying on a strike and defendant was a sympathiser with the strikers and the informant was a workman employed by the company against whom the strike was directed.

Held, 1. Reversing the judgment of the County Court judge and restoring the conviction with costs that defendant was properly convicted.

2. A point not taken before the magistrate or the judge of the County Court is not open on the appeal.

3. The information, which set out the words used and referred to the by-law, was sufficient omitting the word "abusive" or the words "insulting and provoking."

4. It was not necessary that the by-law should be set out in the conviction.

Mellish, K.C., and *Balston*, for the appeal. *W. B. A. Ritchie*, K.C., contra.

Province of Manitoba.

KING'S BENCH.

IN RE LONDON FENCE, LIMITED.

Winding-up company—Winding-up Act, R.S.C. 1906, c. 144, s. 131—Contributories—Application to stay proceedings in action by liquidator against contributory—Who may make.

1. Under section 131 of the Winding-up Act, R.S.C. 1906, c. 144, further proceedings on an issue ordered to be tried between the liquidator of a company being wound up under that Act and a person placed by him on the list of contributories as to the liability of the latter, should be stayed when it is shewn that an overwhelming proportion of both the shareholders and creditors of the company and the liquidator himself desire that the claim against the contributory should be abandoned because of their belief that the proceedings would not be of benefit to them. The order for such stay, however, should contain a pro-