

in a written judgment, said that, "outside of some documents, there was not before him any evidence from which one could ascertain upon what the Referee proceeded in a matter evidently of a contentious nature as to the facts; and the learned Judge was, therefore, unable to pass upon the merits. There had, however, been filed an affidavit of the liquidator, made since the order, setting forth particulars of a claim of the company against Ella Hall, the respondent, upon a bond, and an affidavit of a brother of the respondent, also made since the order, setting up, among other things, that the claims of the parties, the one against the other, had been compromised. It was also urged by counsel for the liquidator that the Referee dealt with and his order disposed of a matter which was not before him on the application. In such circumstances, it was impossible for any Court to adjudicate in appeal so as to do justice between the contending parties. And the affidavits mentioned suggested other conditions which made it undesirable to deal on this appeal with the matters referred to in the order. There should be a reference back to the Referee, and materials should be brought before him upon which an appeal, if it is so desired, may proceed. J. S. Beatty, for the liquidator. W. C. MacKay, for the respondent.

CORRECTION.

In *PATON v. FILLION*, ante 177, it is stated at p. 179 that *RIDDELL, J.*, agreed in the result stated by *MULOCK, C.J. Ex.* That is incorrect. *RIDDELL, J.*, in fact, agreed with *MASTEN, J.*; and, the Court being divided, the judgment of *ROSE, J.*, stands.