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No. 15.

HIGH COURT OF JUSTICE.

MIDDLETON, J., IN CHAMBERS.

DECEMBER 9TH, 1910.

RE McLEAN STINSON AND BRODIE LIMITED.

Company — Winding-up — Right of Appeal from Interlocutory Order in Chambers—Practice—Winding-up Act, R.S.C. 1906 ch. 144, secs. 101, 104, 110.

Motion by the Rimouski Fire Insurance Company, who were the creditors petitioning for an order for the winding-up of McLean Stinson and Brodie Limited, for leave, under Con. Rule 1278 (777), to appeal to a Divisional Court (or for leave to appeal to the Court of Appeal) from the order of RIDDELL, J., in Chambers, ante 294, dismissing the applicants' motion to set aside an appointment issued by one Stinson, president of the McLean company, for the cross-examination of one Alphonse Audet, assistant-manager of the petitioning company, upon his affidavit filed in support of the petition, and directing Audet to answer a certain line of questions upon examination.

A. H. F. Lefroy, K.C., for the applicants.

I. F. Hellmuth, K.C., for Stinson and the McLean company.

MIDDLETON, J., dismissed the motion with costs, holding that, in winding-up matters under the Dominion Act, R.S.C. 1906 ch. 144, the sole right of appeal is that conferred by that statute. Where no right of appeal is there given, the decision is final. See *Re Sarnia Oil Co.*, 15 P.R. 182, 347. The right of appeal exists only in cases falling within sec. 101 of the Winding-up Act. The practice upon any such appeal is regulated by sec. 104. When a reference is made under sec. 110, there is an appeal from a decision of the Referee to a Judge. There is no provision for any interlocutory determination as to matters of procedure only, save as may be permissible under sec. 110.