

winding-up proceedings and as part thereof." That order put an end to the action as a proceeding collateral to the winding-up. There is no such thing as consolidation of an action and a winding-up: per North, J., in *Lovatt v. Oxfordshire Ironstone Co.* (1886), 30 Sol. J. 338.

The Master in Chambers had no jurisdiction to make the order which was affirmed by Falconbridge, C.J.K.B.—the order of reference being in the usual form: *Re Joseph Hall Manufacturing Co.* (1884), 10 P.R. 485; *Re Sarnia Oil Co.* (1893), 15 P.R. 182. The proper officer was the Master in Ordinary, who had charge of the reference, and before whom it was still pending: *Re Sarnia Oil Co.*, 14 P.R. 335. But, treating the order of the learned Chief Justice as a substantive order, notwithstanding what is pointed out in *Re J. McCarthy & Sons Co. of Prescott Limited* (1916), 38 O.L.R. 3, it might, after amendment of the style of cause so as to limit it to the winding-up proceedings, be affirmed, save as to the amount, which should be reduced to \$200, stated to be security only for the costs of the appeal.

There should be no costs of the present appeal.

MEREDITH, C.J.O., and MAGEE, J.A., concurred.

MACLAREN, J.A., dissented.

Order below varied.

FIRST DIVISIONAL COURT.

JULY 15TH, 1918.

*MCPHERSON v. CITY OF TORONTO.

Master and Servant—Dismissal of Member of Municipal Fire Brigade by Brigade Chief—Action against Municipal Corporation for Wrongful Dismissal—Justification—Refusal of Servant to Terminate Illicit Relations with Neighbour's Wife—Boasting to Fellow-servants of Existence of Relations—Justification on Ground not Known and not Assigned as Ground for Dismissal.

Appeal by the plaintiff from the judgment of the County Court of the County of York dismissing the action, which was brought against the city corporation to recover damages for the wrongful dismissal of the plaintiff from the service of the corporation as a member of the fire brigade.