

Judicature Act (8 Edw. VII. ch. 34), for leave to appeal from the order of SUTHERLAND, J., ante 313, dismissing a motion to quash a conviction. MIDDLETON, J., said that he thought the case was concluded by authority. On the evidence, the offence was proved, and enough was shewn to warrant all the amendments necessary to make a perfect conviction. The intention of Parliament in giving the power to amend is, that, when guilt appears upon the evidence which has been believed by the magistrate, the accused should not escape by the defects in form occasioned by the error, or even stupidity, of the magistrate. Motion dismissed with costs. F. Arnoldi, K.C., for the defendant. J. R. Cartwright, K.C., for the Crown.

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BANK OF HAMILTON v. KRAMER-IRWIN CO.—MASTER IN CHAMBERS—JAN. 20.

*Company—Winding-up—Commencement of—Day of Service of Notice of Petition—R.S.C. 1906 ch. 144, secs. 5, 22—Consent Judgment—Authority to Consent after Service of Notice—Motion by Liquidator to Set aside Judgment—Necessity for Action—Leave of Referee.]—*Motion by the liquidator of the defendant company to set aside a consent judgment entered on the 19th January, 1905. On the 24th January, 1905, an order was made for the winding-up of the company, upon a petition dated the 4th January, returnable on the 10th, on which day it was moved before the Judge in Chambers. By sec. 5 of R.S.C. 1906 ch. 144, "The winding-up of the business of a company shall be deemed to commence at the time of the service of the notice of presentation of the petition for winding-up." The Master said that the winding-up began on the day of service of the notice: *Fuchs v. Hamilton Tribune Co.*, 10 P.R. 409; and, whatever might be the effect of the difference in the language of sec. 5 and sec. 22 of the Act, it might well be that on the 19th January, 1905, there were no solicitors authorised to give the consent on which the judgment now attacked was pronounced. That was reserved for further consideration. It was objected by Mr. Rose that the motion was made coram non iudice. He argued that a consent judgment could be set aside only in an action brought for that purpose, citing *Holmsted and Langton's Judicature Act*, 3rd ed., pp. 838-840; and that the liquidator must obtain leave from the Official Referee named in the winding-up order