

Co. the sum of \$1,249.37, as shewn by the certificate of the accountant.

This sum was part of a fund in Court which by the Master's report made on 26th March, 1884, was specially appropriated for the payment of a dividend of $27\frac{1}{2}$ cents on the dollar to the creditors whose names, together with the amounts of their claims, appeared in the schedule to the report. The original fund with a small addition was the amount of the deposit made by the company with the Dominion government pursuant to the Insurance Acts, which declared that on the insolvency of the insurance company it should be applied pro rata towards the discharge of all claims of policy-holders in Canada as set out in a schedule of claims prepared under the authority of the Court. Some of these scheduled creditors had been paid their dividend prior to this order of 1888, some subsequent to the order, while some have neglected or been unable to draw the dividends to which they were entitled.

An application is now made to declare a final dividend, with a direction to the liquidator to pay into Court out of the moneys collected by him under the Winding-up Act the sum of \$682.55, to make good the shortage caused by the taking of this sum of \$1,047.49 from the specially charged funds on government deposit account of these unpaid creditors, but practically to make good the interest on those moneys that ought to have been in Court for the scheduled creditors who have not received their dividends.

Under the Winding-up Act, and the decisions interpreting it, it has been held that creditors whose debts carry interest are only entitled to dividends on the amount due for principal debt and the interest thereon computed up to the date of the winding-up order, unless when there is a surplus after paying the creditors 100 cents on the dollar.

In the Warrant Finance Co.'s Case, L. R. 4 Ch. at p. 646, Sir C. J. Selwyn, L.J., said: "Justice requires that no person should be prejudiced by the accidental delay which, in consequence of the necessary forms and proceedings of the Court, actually takes place in realizing the assets; but that in the case of an insolvent estate all the money being realized as speedily as possible should be applied equally and ratably in the payment of the debts as they existed at the date of