

Service of process on Company.

5. Service of any notice, order, rule or writ, in, or incident to, or preliminary to any proceeding under this Act, against or in respect of any Company, may be made upon such Company, by leaving a copy thereof at the chief place of business of such Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company have no known place of business, or be without any known President and Secretary, then, upon a statement to that effect being made under oath to the Court having the requisite jurisdiction, such Court shall order the publication for one month in some local newspaper, of such notice, order, rule, or writ, or the substance thereof respectively, which publication shall be held to be due service thereof. 5 10

Application for winding up of Company.

6. Any application for the winding up of any Company, shall be by petition, filed in the office of the Registrar, Clerk or Prothonotary of the Court, and shall be verified by affidavit or other sufficient evidence; and in cases where the Company is insolvent, such petition may be filed, either by a creditor whose debt has remained unsatisfied, after such proceedings as aforesaid taken to compel payment thereof, or by any member of the Company, liable to become a contributory towards the payment of its debt; but when any ground other than the non-payment of debt is alleged for the winding up of the Company, such contributory alone shall be entitled to make such application. 15 20

Notice of filing of Petition.

7. Notice of the filing of such petition, and of the day on which such petition is to be presented for hearing thereof before the Court, shall be served upon the Company, at least ten days before such presentation thereof, and shall also be given by advertisement, to be twice inserted in the *Canada Gazette*, and twice in some newspaper published at the place where the chief place of business of the Company is situate; or in case no newspaper be published at such place, then, in the newspaper whose office of publication is nearest thereto; Provided always, that the Court may, at the hearing of the petition, direct the same to stand over, and order such further notice to be given, as to the Court shall seem meet; Provided also, that the Court may, in its discretion, proceed upon the production of the *Canada Gazette*, with such notice as aforesaid, in case no better service, after due diligence, can, in the opinion of the Court, be effected within a reasonable time. 25 30 35

Proviso.

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Order for the winding up of Company and appointment of Curator.

8. Upon the hearing of any petition for the winding up of any Company, filed by such creditor or contributory as aforesaid, the Court may make an order for the winding up of the Company, and shall therein fix a day for the appointment of a Curator to such Company, and shall therein require the creditors and members of such Company to appear before any Judge of such Court, on such day to give their advice as to such appointment; and such Judge shall, on such day, after hearing any suggestion made by any creditor or contributory, but without being bound by any such suggestion, nominate and appoint a Curator of such Company; and in the event of such Curator neglecting to put in security, as hereinafter provided, or refusing to accept such appointment, or afterwards becoming incompetent, by reason of death, absence from the jurisdiction, removal by the Court, or other cause to perform the duties thereof, another and other appointments of a Curator may be, from time to time, made in like manner to the first appointment. 40 45 50

Curator to give security and then to be vested with property of Company.

9. Such Curator shall give such description and amount of security for the due performance of his duties as the Court, or any Judge thereof in Chambers may determine, and may be called upon by the Court from time to time, to substitute and give, and he shall thereupon give 55