

DIVISIONAL COURT.

APRIL 25TH, 1912.

*PUKULSKI v. JARDINE.

*PERRYMAN v. JARDINE.

Company—Liability of Directors for Wages of Servants—Ontario Companies Act, sec. 94—Unsatisfied Execution against Company—Sheriff's Return Made after Winding-up Order—"Proceeding" against Company—Dominion Winding-up Act, sec. 22—Proof of Status of Directors—Travelling Expenses—Inclusion in Debt for Services—Costs of Second Writ of Execution.

Appeals by the defendants from the judgments of DENTON, Jun. Co.C.J., in favour of the plaintiffs in actions, brought in the County Court of the County of York, to recover from the defendants, who were directors of the Boyd-Gordon Mining Company Limited, sums due to the plaintiffs respectively for wages as workmen employed by the company, for which the plaintiffs had recovered unsatisfied judgments against the company. There were also cross-appeals by the plaintiff in respect of the costs of execution.

The actions were brought to enforce the right given by sec. 94 of the Ontario Companies Act.

The appeals and cross-appeals were heard by BOYD, C., LATCHFORD and MIDDLETON, JJ.

E. B. Ryckman, K.C., for the defendants.

J. P. MacGregor, for the plaintiffs.

MIDDLETON, J.:— . . . Apart from some minor matters, the main contention of the defendants is based upon the fact that, before the executions against the company were returned, a winding-up order under the Dominion Act had been pronounced. It is said that the effect of this order was to stay all proceedings against the company, and that, therefore, the returns to the executions made after the winding-up are null and void.

The question so raised is of importance, as, if the defendants' argument is well founded, the effect of the winding-up order is materially to diminish the right of wage-earners and the liability of directors; because, under the Ontario statute, the

*To be reported in the Ontario Law Reports.