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TORONTO, APRIL 22, 1916.

No. 6

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

APRIL 13TH, 1916.

RE AUTO TOP AND BODY CO. LIMITED.

Company — Winding-up — Disputed Claim of Liquidator to Payment for Services before Winding-up Order — Forum for Determination — Master's Office—Appeals—Costs.

Appeal by creditors with claims before the Court in a winding-up proceeding from the order of FALCONBRIDGE, C.J.K.B., ante 76.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and MASTEN, JJ.

Shirley Denison, K.C., for the appellants.

J. P. MacGregor, for the liquidator, respondent.

THE COURT allowed the appeal, set aside the order, and directed that the question involved should be determined in the office of the Master in the winding-up, under the provisions of the Winding-up Act. Costs of the appeals to the Chief Justice and to this Court to be costs to the successful party on the final disposition of the matter in question: if the respondent is held entitled to keep all the money which he has retained for services rendered to the company before the winding-up order, he is to have the costs; otherwise he is to pay the appellants' costs.