otherwise dealt with as might be in a repair-shop or place of manufacture.

With these restrictions, I grant the application, but it is not a case for costs; the city authorities have not acted capriciously, and have had cause to fear that the building might be improperly used, were a broad permit given.

HON. SIR JOHN BOYD, C.　　SEPTEMBER 20TH, 1912.

RE BAYNES CARRIAGE CO.

4 O. W. N. 30;　　O. L. R.

Company — Winding-up — Petition for — Evidence in Support — Examination of Directors — Winding-up Act, ss. 2 (e), 13, 107, 135.

BOYD, C., *held*, that under s. 135 of the Dominion Winding-up Act, R. S. C. (1906), c. 144, the procedure provided for by the Consolidated Rules of Practice, is applicable to petitions for winding-up a company, and, therefore, witnesses could be examined in support of such a petition.

Re Belding, 18 O. W. R. 670, followed.

See *Re McLean, Stinson & Brodie*, 18 O. W. R. 163, 2 O. W. N. 435..

Motion on behalf of the company and directors to set aside an appointment to examine directors of a company and the subpœna to testify, therewith served by the petitioners, on the ground that it was not competent for the petitioner to use such evidence on an application for a winding-up order under the Dominion Act.

H. A. Burbidge, for the company and directors.

J. Grayson Smith, for the petitioners.

HON. SIR JOHN BOYD, C.:—The petitioners are shareholders to the extent of $50,000 paid up shares, the total capital being $375,000. The broad position taken is that the procedure under the Consolidated Rules is not available under the Act. It is also urged that directors as officers cannot be so examined. As I read the Act, it makes no express provision as to this preliminary procedure except what is found in sec. 13, *i.e.*, the application is to be by petition, of which four days' notice is to be given to the company before the application is made. No provision appears as to how the petition is to be supported or verified. It seems to be that it is only by reference to secs. 134 and 135, that the *modus operandi* can be ascertained.