settling of the partnership accounts and liabilities. In the case of large companies, winding-up was thought to be a more convenient course than a common partnership suit, but in every other respect it is the same. In a common partnership suit nobody can be made a party or can be heard except the partners themselves, and originally a winding-up was the the same thing. Contributories were the only persons who could be heard, but, as creditors were interfered with by the operation of a winding-up, the Act of Parliament has made a winding-up a matter both for creditors and contributories. A creditor may present a petition for winding-up, and both creditors and contributories are heard upon that . . . :" In re Bradford Navigation Co., L.R. 5 Ch. 600, at pp. 601, 602, per James, L.J., delivering the judgment of the Court. "It is settled as the rule that, when the application is to wind up a company, any creditor or shareholder may appear to support or object:" per Malins, V.-C., in In re B. N. L. Assurance Association, L.R. 14 Eq. 499, at p. 501. Even an allottee who has begun proceedings to rescind his contract is in the same position: Tomlin's Case, [1898] 1 Ch. 105. And the same practice has prevailed in Canada, and "it is desirable to follow the rule for guidance to be found in the English cases under the Winding-up Acts:" per Boyd, C., in Re Alpha Oil Co., 12 P.R. 298, at p. 299.

Stinson is the holder of paid-up shares only; but that does not prevent him from being a "contributory" who has the right to appear and oppose the granting of the order—he is in a position analogous to that of a partner in a private partnership, and therefore is interested, so that he may appear and be heard. This is his legal right, it is not a matter of grace but ex debito justitiæ, and he does not appear as amicus curiæ. Persons other than creditors or contributories may indeed be told by the Court, "I should be glad to hear you as amicus curiæ, if you have any interest, that I may know what public grounds there are:" but the position of such persons is wholly different from that of Stinson.

There is no hard and fast definition of the word "party" in the Consolidated Rules. In the case of a petition I am unable to say that one who has the right to appear and support or oppose is not a "party." It would seem that he might appeal. See the Bradford case, ut supra. I think Stinson comes within the meaning of the word "party" for the purposes of examination of witnesses, etc.

The motion to set aside the appointment for examination will, therefore, be refused with costs.