

simple question of fact. The sole difference between the findings and the plaintiff's version of the agreement was, that the Master allowed 50 cents an hour on a quantum meruit, and not on an express contract.

The real ground of appeal was the defendant's allegation that on the 5th June there was a settlement, and after that date the defendant "paid the workmen himself." The plaintiff certainly made such a statement: p. 4 of the notes of evidence. But the Master found that the fact was otherwise—and properly so. The plaintiff, in his testimony before the Master, went on to say: "I paid, of course, but Mr. Roy gave me the money, and I kept track of every thing, all wages." Cheques drawn by the defendant after the 5th June, and endorsed by the plaintiff, were produced; and it seemed clear that the only difference after the 5th June was that the defendant was called on more promptly for money.

There was not any statement of accounts between the parties on the 5th June with a complete and final settlement followed by a change in relations thereafter.

There was no reason for differing from the Master in his conclusions of fact; and the appeal should be dismissed; but, since the trouble and delay occasioned by a reference back to the Master and a second argument before the Court were due to the default of the plaintiff in not appearing the first time the matter came before the Court, there should be no costs.

Appeal dismissed without costs.

HIGH COURT DIVISION.

BRITTON, J.

APRIL 10TH, 1916.

RE CIVIL SERVICE CO-OPERATIVE SUPPLY ASSOCIATION.

*Company — Winding-up — Debenture-holders — Appointment of
Liquidator as Receiver—Conflict of Interests—Appointment
of New Receiver on Behalf of Debenture-holders.*

Motion by Herbert T. Owens, on behalf of himself and all other debenture-holders of the association, for an order appointing a receiver and manager of the association.

The motion was heard in the Weekly Court at Ottawa.

J. P. Ebbs, for the applicant.

G. D. Kelley, for the liquidator of the association.