

THE
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING APRIL 1ST, 1905.)

VOL. V.

TORONTO, APRIL 6, 1905.

No. 13

HODGINS, MASTER IN ORDINARY.

MARCH 21ST, 1892.

MASTER'S OFFICE.

RE SUN LITHOGRAPHING CO.

Company—Winding-up—Meeting of Creditors—Winding-up Act, R. S. C. ch. 129, sec. 19—Necessity for Submission of Specific Questions.

In the course of a reference for the winding-up of the company, a question arose as to the terms of an order authorizing a meeting of creditors.

THE MASTER:—On the 14th instant I made an order for the submission to a meeting of creditors of two specific questions, and the draft minutes ask a general reference of undefined questions to the proposed meeting.

The English Rule, (45) provides that the liquidator shall give notice of the matter upon which the Judge desires to ascertain the wishes of creditors and contributories. And in this case the liquidator objects to any other matters than those asked for in the notice of motion.

It would seem from the reference to cases that specific questions, and not general and undefined questions, are, according to the English practice, the only ones authorized. And this seems reasonable from the fact that the creditors who have the right to attend may delegate that right to a proxy or agent, and they ought, therefore, to know the specific matters affecting their interests in the winding-up upon which the Court desires to ascertain their wishes. To do otherwise would be to leave creditors residing in foreign countries or at a distance from the place of meeting to the discretion of their proxy, who would not be bound by specific instructions