

tioning company, upon his affidavit filed in support of the petition; and motion on behalf of Stinson to commit Audet for refusing to answer questions upon cross-examination before a special examiner.

Shirley Denison, K.C., for the petitioning company and Alphonse Audet.

W. J. McWhinney, K.C., for Stinson.

Strachan Johnston, K.C., and S. King, for certain creditors.

RIDDELL, J.:—A petition for the winding-up of this company was filed by the Rimouski Fire Insurance Company on the 2nd November, 1910. It was alleged that the company owed the petitioners over \$10,000, and that it was hopelessly insolvent. Another was subsequently filed by Stinson Brodie Ring & Co. Limited, claiming a large sum due. On the 10th November the directors of the company passed a resolution for the instruction of a solicitor to consent to a winding-up order.

The matter came on upon the 11th November before the Chancellor, and counsel appeared for Stinson, the president of the company, saying that he had just been retained, and asked for an enlargement. This was granted. Stinson then took out an appointment to examine Audet, the assistant-manager of the Rimouski company, upon his affidavit filed with the petition—and the examination was proceeded with before Mr. Bruce, special examiner. Upon that examination Audet refused to answer certain questions. The matter came on again on the 18th November before the Chief Justice of the Common Pleas, when, upon the representation that examinations were going on and had not been completed, it was again enlarged. It came on again before me on the 23rd November. There were certain investigations going on which, as all parties agreed, rendered it advisable that a further enlargement should be had.

But Mr. Denison moved to set aside the appointment for the examination taken out by Stinson, and Mr. McWhinney moved to commit Audet for refusing to answer, and these motions I am now to deal with.

As to the first-named motion, it is argued that Stinson is not a party to the petition in any way; and consequently he had no right to examine any witness.

A winding-up proceeding "is a substitute for a suit for winding-up a partnership. It is a power applicable by the Act of Parliament to corporations. . . . Partners have a right to file a bill one against the other, and to have the usual decree for the administration of the partnership property and for the