

W. T. J. Lee, for defendant Clara Dean.

W. M. Clark, K.C., for defendants Knox College and the Presbyterian Church in Canada.

Aylesworth, K.C., *A. S. Ball*, Woodstock, and *T. T. Rolph*, for other defendants.

Meredith, C.J.]

[July 18.

IN RE ABBOTT-MITCHELL IRON AND STEEL CO.

Company—Winding-up—Petition for order—Previous demand—Service of writ of summons—Notice of application.

Service of the specially indorsed writ of summons in an action against the company to recover the amount of a creditor's claim is not a sufficient demand in writing, within the meaning of s. 6 of the Winding-up Act, R.S.C. c. 129, to serve as the foundation for a petition by the creditor for a winding-up order.

Semble, that, as s. 8 of the Act requires the petitioner to give four days notice of his application, effect could not be given to a ground of which the company had not that notice.

D. W. Saunders, for petitioners. *D. E. Thomson*, K.C., for company.

GENERAL SESSIONS OF THE PEACE, COUNTY OF YORK.

McDougall, Co. J., Chairman.]

[October 10, 1900

GRAY, APPELLANT, *v.* GILLMAN, RESPONDENT.

Summary conviction—Appeal—Security by money deposit in lieu of recognizances—Criminal Code, ss. 880 (c), 888.

The appellant, who had been convicted by Peter Ellis, Police Magistrate, of Toronto Junction, for violating a by-law of the municipality, gave notice of appeal from his conviction to the sittings of the court entitled to consider the appeal. In addition to this, he deposited with the convicting magistrate a sum of money sufficient to cover the fine and costs, and costs of appeal, should he be unsuccessful. No further action by either followed this step. On the appeal being reached, appellant's counsel endeavoured to shew the making of the deposit by affidavit of the solicitor's clerk who paid the money.

Sec. 880(c), so far as it is in point, enacts that "the appellant, if the appeal is against any conviction or order whereby only a penalty or sum of money is adjudged to be paid, may deposit with the justice convicting, or making the order, such sum of money as such justice deems sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction, or order, and the costs of the appeal." Sec. 888 provides that "if