

may be upheld on appeal be not interfered with so long as it is in force.

The costs of this motion will be to plaintiffs in the cause.

HON. MR. JUSTICE RIDDELL.

OCTOBER, 24TH, 1912.

CHAMBERS.

RE CANADIAN SHIPBUILDING CO.

4 O. W. N. 157.

*Appeal—Leave to Appeal—To Divisional Court—From Trial Judge
—Extension of Time for Giving Security—Mistake of Solicitors
—Inequitable to Cure.*

RIDDELL, J., refused with costs to extend the time for giving security for appeal and leave to appeal from his judgment herein, 26 O. L. R. 564; 22 O. W. R. 585, on the ground that it was inequitable to cure the mistake of the solicitors for one party in order to enable them to take advantage of the mistake of the solicitors of other party, and, further, that there was no important question to be determined by the appeal.

Motion by the liquidator for leave to appeal to Divisional Court, from a judgment of HON. MR. JUSTICE RIDDELL (1912), 26 O. L. R. 564; 22 O. W. R. 585; 3 O. W. N. 1476, made under sec. 101 (c) and 104 of the Winding Up Act, for leave to appeal and also for extension of the time for giving security.

The liquidator attempted to appeal to Divisional Court, without leave, but the case was struck off the list for want of jurisdiction.

J. A. Paterson, K.C., for the motion.

H. E. Rose, K.C., contra.

HON. MR. JUSTICE RIDDELL:—It is contended that the question raised by my judgment is of great public importance, and that the Court of Appeal did not decide it though raised in *Re Rainy Lake L. Co.* (1888), 15 A. R. 749. There are several answers to this argument.

In the first place the question is not of a common law or equitable right, but as to the interpretation of a statute. If my interpretation be not that intended by the Legislature, the matter can be set right by a simple amendment, retroactive or otherwise, a mere drop in the bucket of annual legislation.