

1895

*May 16.

STEPHENS *v.* GERTH *et al.* *In re* THE ONTARIO
EXPRESS AND TRANSPORTATION CO

Appeal—Winding-up-Act—Amount in controversy—Joint or separate liability.

APPEAL from a decision of the Court of Appeal for Ontario, reversing the order of the master in ordinary who settled the respondents on the list of contributories of the Ontario Express and Transportation Co. under the Winding-up Act.

An appeal will only lie to the Supreme Court in proceedings under the Winding-up Act where the amount involved is \$2,000 or over. In this case there were six persons placed on the list by the master, one for \$1,000, and the others for \$900 each, and all were released from liability by the decision of the Court of Appeal from which this appeal was brought.

The Supreme Court held that the aggregate amount for which the respondents were sought to be made liable exceeding \$2,000 did not give it jurisdiction but that the position was the same as if proceedings had been taken separately against each.

Appeal quashed with costs.

Aylesworth Q.C. for the appellant.

Clark and *McPherson* for the respondents.

*PRESENT :—Sir Henry Strong C.J., and Taschereau, Gwynne, Sedgewick and King JJ.