

portance to the first and second than to the third. He also finds that the illness, of whatever nature it was, was caused both directly and indirectly by the impact of the sign-board; but he does not give such large damages as he would have awarded if he had been quite certain of the miscarriage. As to the wife's pregnancy, she and the doctor who examined her were better able to judge than medical men who only theorize, no matter how long their experience.

The case of *Victorian Railways Commissioners v. Coultas* (1888), 13 App. Cas. 222, has not been adopted or followed in any tribunal which was at liberty to disregard it, and it may be trusted that it received its death-blow in *Coyle or Brown v. John Watson Limited*, [1915] A.C. 1. But, even if it were binding, there was in the present case the undoubted element of direct impact, which did not exist in the *Coultas* case.

Damages assessed at \$900 for the wife and \$75 for the husband; and judgment for the plaintiffs for \$975 with costs.

LENNOX, J.

JANUARY 28TH, 1916.

\*RE FARMERS BANK OF CANADA.

\*LINDSAY'S CASE.

*Bank—Winding-up—Delegation of Powers of Court to Referee—Winding-up Act, R.S.C. 1906 ch. 144, sec. 110—Intra Vires—Exercise of Powers—Validity of Winding-up Order not Appealed against—Contributory—Double Liability of Shareholder—Regularity of Subscription and Allotment—Irregularities in Organisation of Bank—Certificate of Treasury Board—Effect upon Position of Shareholder—Winding-up Act, sec. 20—Bank Act, R.S.C. 1906 ch. 29, secs. 12, 13, 14, 15, 132, 157.*

Appeal by James R. Lindsay from the order of J. A. McAndrew, Esquire, an Official Referee, in a reference for the winding-up of the bank, under the Dominion Winding-up Act, R.S.C. 1906 ch. 144, confirming the placing of the appellant's name on the list of contributories.

The appeal was heard in the Weekly Court at Toronto.

Wallace Nesbitt, K.C., and William Laidlaw, K.C., for the appellant.