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No. 16

APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

JUNE 20TH, 1917.

RE ONTARIO BANK.

IRWIN AND EASTWOOD'S CLAIMS.

Bank—Winding-up—Claims upon Assets—Disallowance by Referee—Affirmance by Judge—Refusal by another Judge of Leave to Appeal to Appellate Division—Renewal of Application before Appellate Division—Winding-up Act, R.S.C. 1906 ch. 144, sec. 101—Amendment by 5 Geo. V. ch. 21 (D.)—Successive Applications—Jurisdiction—Determination of Application upon Consideration of Merits—Hopeless Appeal—Refusal of Leave.

Motion on behalf of W. Irwin and I. Eastwood for leave to appeal to this Court from an order of MASTEN, J., in the Weekly Court (27th April, 1917), confirming the report of a Referee disallowing the claims of the applicants to rank upon the assets of the bank in a winding-up under the Dominion Winding-up Act.

Leave to appeal was refused by MIDDLETON, J., ante 245.

By 5 Geo. V. ch. 21 (D.), sec. 101 of the Winding-up Act, R.S.C. 1906 ch 144, is amended by providing that leave to appeal may be granted by a Judge of the High Court Division, or by leave of the Court or a Judge of the Court to which the appeal lies.

The motion was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and ROSE, JJ.

Daniel O'Connell, for the applicants.

J. W. Bain, K.C., for the liquidator.

J. A. Paterson, K.C., for contributories.