

**WINDING UP.**

1. *Insolvent Bank--Withdrawal by bank president of customer's deposit.*—The claimant having \$1,200 on deposit in the bank, and being about to go on a journey, left a cheque for that amount with the president, payable to his order, with instructions to invest it for him in a mortgage as soon as a suitable security could be found. On the last day before the suspension of the bank, no investment having yet been found for the money, the president, in order to protect the claimant, indorsed the cheque, drew the amount in notes from the teller, placed the notes in an envelope, which was then sealed up and addressed to Dr. Robertson, with the words "twelve hundred dollars" written on it, and placed in the vault of the bank. The package was found there when the liquidators came into possession on the commencement of the winding-up proceedings a few days afterwards. The claimant contended that he was entitled to the notes.

*Held*, that the cheque having been indorsed and the bank notes drawn without the authority of the claimant, they were still the property of the bank, and that the claimant must rank only as an ordinary creditor for the \$1,200. *Re Commercial Bank*

*of Manitoba. Rev. Dr. Robertson's claim.*.....61

2. *Petitioning creditor—Assignee of judgment must show date of assignment.*—In supporting a petition under the Winding Up Act against a company by a person claiming to be a creditor and relying upon a service of demand, under section 6 of the Winding Up Act, it is necessary to show that the petitioner was a creditor of the company at the date of service of the demand; and it will not be sufficient to prove that the judgment was recovered before the date of the service, without showing also that the petitioning creditor had acquired the judgment before such date. *Re Rapid City Farmers' Elevator Co.*.....681

See BANKS AND BANKING, 3.

**WORDS.**

"By" a certain date.

See LANDLORD AND TENANT.

"Clean" farm—what constitutes.

See MISREPRESENTATION, 1.

"To" a certain date.

See CONTRACT, 2.

"Violent" death.

See ACCIDENT.