

RE FARMERS BANK OF CANADA (DEWAR'S CASE)—SUTHERLAND,  
J.—OCT. 22.

*Bank—Winding-up—Decease of Person Named on List of Contributories — Order Substituting Executors — Practice.*]—Motion by the executors of John Dewar, deceased, for an order discharging, varying, or setting aside an order made by J. A. McAndrew, Official Referee, in the course of the winding-up of the bank, providing that the proceeding against John Dewar as an alleged contributory might be continued by the liquidator against the executors, and that the list of contributories be amended by substituting the names of the executors for the name of John Dewar, and that all proceedings stand in the same plight and condition as at the time of his death. SUTHERLAND, J., said that he thought the motion was misconceived. It did not appear that the list of contributories had yet been settled—the next step was to proceed to settle the list. It was still open to the executors to appear and contest. Upon the executors filing an affidavit setting out the facts as disclosed in their affidavits filed on this motion, the liquidator would have to determine whether to go on and seek to make the estate liable or call upon the legatees among whom the estate has been distributed to contribute pro rata. Motion dismissed; costs to be disposed of by the Referee in the further proceedings before him. A. A. Ingram, for the executors. B. H. L. Symmes, for the liquidator.