dorsation was made by Shortis, and this disposes entirely of his pretension that he was to get back these notes.

We therefore think the judgment of the Court below was right, and this appeal must be dismissed with costs.

Judgment confirmed.

COURT OF QUEEN'S BENCH.

MONTREAL, Sept. 23, 1884.

Before DORION, C.J., MONK, RAMSAY, TESSIER and BABY, JJ.

C. M. ACER, Petitioner, and THE EXCHANGE BANK OF CANADA, Respondent; also C. M. ACER et al. Petitioners, and THE EXCHANGE BANK OF CANADA, Respondent.

Bank in liquidation—45 Vic. (Can.) cap. 23—Contributory.

It is not necessary that ordinary debtors (not ... shareholders) of a bank in liquidation be settled on a list of contributories before actions are instituted against them by the liquidators.

In these two cases the respondent, plaintiff in the Court below, sued the petitioners, defendants in the Court below, who were alleged to be debtors of the Bank.

The declarations alleged the insolvency of the Exchange Bank and its liquidation under the Statute of Canada, 45 Vict. cap. 23, the indebtedness of the petitioners, with conclusions accordingly. The petitioners pleaded dilatory exceptions on the ground that if true as alleged in the declaration, they were "contributories" under the Statute, and before any suit could be taken against them they must be settled on the list of contributories to the Bank as provided in the Act. Admissions were filed that the petitioners were not settled on any list of contributories.

After argument Mr. Justice Loranger dismissed the exceptions. Hence the present petitions for leave to appeal from these judgments.

It was urged that according to the tenor of the Statute all the proceedings for or on behalf of the Bank were entirely under the supervision of the Court.

Sec. 5 was quoted, defining a contributory to be a "person liable to contribute to the "assets of a company under this Act."

Secs. 32, 35, 37, 41 and 71 were cited to show that the use of the word contributory referred to any debtor of the Bank and did not simply mean a shareholder.

Secs. 47, 51, 52 and 54 were also cited to show the extended meaning of the word, and that these referred to contributories who were more than shareholders or who might be indebted for amounts *exclusive of calls.*

Finally, sec. 76 was quoted to show that if a shareholder only was a contributory, then ordinary debtors might purchase claims against the bank and use them as an offset.

The COURT unanimously decided that a contributory was a stockholder, and that an ordinary debtor did not come within the meaning of the term.

Petitions for leave to appeal rejected.

Hall for Petitioner.

Greenshields for Respondent.

COURT OF REVIEW.

MONTREAL, Sept. 24, 1884.

Before TORRANCE, PAPINEAU, GILL, JJ.

ROSS et vir v. SWEENEY et al.

Executor—Removal from office—Inscription in Review.

Where a testamentary executor has been removed from office by a final judgment of the Supreme Court, he will not, subsequent to such judgment, be permitted to inscribe in Review, from a judgment dismissing an action brought by him in his quality of executor.

The female plaintiff sued in her quality of testamentary executrix, and her action was dismissed on the 4th August, 1884. She immediately inscribed in Review, namely, on the 13th August, against the judgment. She was already defendant in an action taken by Dame Jessie Ross et vir to deprive her of this office. This suit was successful in the Superior Court on the 10th December, 1881, by judgment which was confirmed by the Court of Queen's Bench on the 21st December, 1883, and by the Supreme Court on the 23rd June, 1884.

W. H. Kerr, Q.C., for defendant, now moved that the inscription be struck, on the ground that the female plaintiff had been deprived of her office of testamentary executrix by the