

# The Ontario Weekly Notes

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TORONTO, OCTOBER 11, 1912.

No. 4

COURT OF APPEAL.

SEPTEMBER 30TH, 1912.

\*RE ONTARIO BANK.

\*MASSEY AND LEE'S CASE.

*Bank—Winding-up—Contributories—“Double Liability”—  
Bank Act, sec. 125—Transfer of Shares after Commence-  
ment of Winding-up Proceedings—Recognition by Liquidator  
of Transferees as Shareholders—Estoppel—Election—  
Evidence—Laches—Prejudice—Powers of Liquidator.*

Appeal by John Massey and W. C. Lee from an order of BOYD, C., dismissing an appeal from an order of George KAPPELE, an Official Referee, upon a reference for the winding-up of the Ontario Bank, placing the appellants upon the list of contributories, in respect of the “double liability” upon shares standing in their names.

The appeal was heard by MOSS, C.J.O., GARROW, MACLAREN, MEREDITH, and MAGEE, J.J.A.

M. K. Cowan, K.C., for the appellants.

J. Bicknell, K.C., and G. B. Strathy, for the liquidator.

GARROW, J.A.:—The shares in question having been fully paid-up, the liability now sought to be imposed upon the appellants arises under the provisions of sec. 125 of the Bank Act, making shareholders liable upon a deficiency in the property and assets of the bank to pay its debts and liabilities, to an amount equal to the par value of the paid-up shares held by them.

It is admitted that the appellants were the holders of the shares in question on the 13th October, 1906, when the winding-

\*To be reported in the Ontario Law Reports.