

very well proved that he intended to make it as extensive only as the defendants contend for; that is, that the plaintiff was to become the absolute owner of the shares only at the rate of 5 for each year of service rendered until the 50 were so acquired.

Under all the circumstances of the case, and upon all the admissible evidence adduced in it, there was, in my opinion, upon the principles applicable to the case, enough to justify the judgment, for the reformation of the writing, appealed against.

I would, therefore, dismiss the appeal.

MOSS, C.J.O., GARROW and MAGEE, J.J.A., agreed in the result.

HIGH COURT OF JUSTICE.

RIDDELL, J., IN CHAMBERS.

DECEMBER 27TH, 1910.

*RE FARMERS BANK OF CANADA.

Bank—Petition for Winding-up—Winding-up Act, R.S.C. 1906 ch. 144, secs. 13 (2), 14—Four Days' Notice—Power to Waive—Application of Con. Rules—Powers of Curator—Bank Act, secs. 119, 121—Right to Insist upon Statutory Notice—Power to Enlarge Hearing—Other Petitions Pending—Costs—Creditors and Shareholders Appearing upon Petition.

Petition by George F. Reid for the winding-up of the bank.

Grayson Smith, for the petitioner.

J. Bicknell, K.C., for the curator.

RIDDELL, J.:—A petition was presented to me in Chambers on the 21st December, on behalf of George F. Reid, for the winding-up of the bank. Mr. Hunter appeared for the bank and admitted insolvency; also, as I understood, waiving the four days' notice required by the Winding-up Act. A curator having been appointed under the Bank Act, R.S.C. 1906 ch. 29, sec. 117, I required notice to be served upon him of the application, and enlarged the motion until the 22nd December.

The curator appeared on the motion by counsel, and many other counsel appeared representing creditors, etc.

*To be reported in the Ontario Law Reports.