ante 279, dismissing the applicant's appeal from the order of an Official Referee, in the matter of the winding-up of the bank, confirming the placing of her name upon the list of contributories in respect of the double liability of bank shareholders.

George Kerr, for the applicant.
J. W. Bain, K.C., for the liquidator.

MIDDLETON, J., said that the question appeared to be one which justified further consideration. In ordinary cases, an infant is called upon to repudiate within a reasonable time after attaining majority (Edwards v. Carter, [1893] A.C. 360); but where the liability is statutory and does not arise from an express contract on the part of the infant, the reasoning is scarcely applicable, and it may be that the liquidator cannot succeed unless he can shew an act of ratification.

In the view of MIDDLETON, J., the taking by the applicant of the money in the bank was not to be looked upon as an undoubted act of ratification—it was in no way ear-marked as the issue or product of the stock.

There is a marked distinction between the position of an infant shareholder in a company which at the time of his attaining majority is a going concern and his position where the company is being would up. See the cases referred to in Simpson on Infants, 3rd ed., pp. 41, 42. The bank was in truth being wound up at the time the infant attained her majority, although the winding-up order was not made till subsequently.

Upon an application of this nature, an appeal should be allowed where there is reasonable ground to suppose that the would-be appellant may obtain relief by further appeal, and a prolongation of the litigation cannot be regarded as vexatious. This case is apparently one of great hardship, and the appeal appears to be one clearly arguable.

Leave granted.