

THE
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MASTER-IN-ORDINARY.

OCTOBER 27TH, 1913.

RE FARMERS BANK OF CANADA.

MURRAY'S CASE.

SPROAT'S EXECUTORS' CASE.

5 O. W. N. 272.

Bank—Winding-up—Contributories—Subscribers for Shares—Action for Rescission of Subscriptions—Fraud and Misrepresentations—Settlement of Action—Order Dismissing—Recitals—Assignment of Shares—Completion of Settlement before Organisation Meeting of Shareholders—Subsequent Attempt to Allot Shares—Absence of Notice of Allotment—Finding that Subscribers Never Became Shareholders.

In a proceeding for the winding-up of the bank, the liquidator presented a list of proposed contributories, among whom were James Murray, personally, and James Murray and John Murray, as executors of John Sproat, deceased.

The liquidator's application to have these persons' names settled on the list of contributories was heard and evidence thereon was taken before the Master-in-Ordinary.

James Bicknell, K.C., and Morley, for the liquidator,
George Bell, K.C., for the alleged contributories.

ALCORN, MASTER:—I think that the names of the above alleged contributories should be removed from the list as presented by the liquidator, and that they are not indebted for the amount said to be unpaid on their subscriptions or under the double liability imposed by the Bank Act.

By writ of summons, tested of the 22nd October, 1906, they brought an action against the Farmers Bank of Canada, its provisional directors and executive officers, asking