

the same plaintiff on an indorsement of his name on a prior note forged by the same person, although the forger negotiated the second note after such judgment. *Morris v. Bethell*, L.R. 5 C.P., followed. *Mackenzie v. British Linen Co.*, 6 A.C. 82, distinguished.

If there were any estoppel in this case, it would be only one arising from negligence in not anticipating that there might be subsequent similar forgeries, and warning the plaintiff by telling him of the first forgery. But mere negligence, to amount to an estoppel, must occur in the transaction in question: *Arnold v. The Cheque Bank*, 1 C.P.D. 578; *Everett and Strode on Estoppel*, 2nd ed. 343.

Wilson and Affleck, for plaintiff. *Fullerton*, for defendant.

KING'S BENCH.

Mathers, J.]

MONTGOMERY v. MITCHELL.

[Feb. 3.

Company—Lien on shares for debt due to company—Power to make by-law providing for lien—Estoppel—Waiver of lien.

This was an interpleader application in which the contest was as to the right of a company incorporated under the Manitoba Joint Stock Companies Act, to assert a lien upon the shares of one of its stockholders for an amount due to the company for unpaid calls on the shares as against an execution creditor, under whose execution the sheriff had seized the shares.

Held, 1. The company was entitled to such lien under the terms of its by-laws which provided for such a lien in sufficiently clear terms.

2. The company had power to pass such by-laws under section 31 of the Manitoba Joint Stock Companies Act, by virtue of the expression, "the conduct in all other particulars of the affairs of the company."

Child v. Hudson Bay Co., 2 P. Wms. 207, and *Société Canadienne Française, etc. v. Daveluy*, 20 S.C.R. 499, followed.

As, however, the public are not charged with notice of the company's by-laws in this Province, such a by-law would not protect the company against a bona fide purchaser of shares without notice.

The shares in question stood in the name of the defendant's wife, but the plaintiff on the first day of May, 1907, recovered