

have already had occasion to explain the grounds on which it appears to me that the directors of the bank were entitled and indeed bound to decline to register transfers after the 2d October, and at all events after the 5th October. I think they were bound to hold the register closed so far as they were concerned at least by the 5th October, and that in any application to rectify the register now under the 35th clause of the Act of 1862 the question must be determined on the footing that the register was closed by that date, and that the rights of all parties depend on what had occurred prior to that date. The proposal of the petitioner to give effect to a resignation which occurred about a fortnight afterwards, and in respect of that resignation to have the register opened for the purpose of enabling him to be relieved of all liability to creditors of the bank, is clearly inadmissible, and must be rejected.

The Court therefore refused the petition, with expenses.

Counsel for Petitioner—M'Laren—Balfour—Pearson. Agents—Campbell & Smith, S.S.C.

Counsel for Liquidators—Kinnear—Asher—Lorimer. Agents—Davidson & Syme, W.S.

Saturday, December 21.

#### FIRST DIVISION.

CITY OF GLASGOW BANK LIQUIDATION—  
(WILSON'S CASE)—WILSON v. THE LIQUIDATORS.

*Public Company—Winding-up—Action of Reduction of Transfer of Shares, and for Damages on Ground of Fraud—Motion to Stay Enforcement of Calls on Shares Pending Decision of Action.*

An action having been brought by a shareholder against the directors of the City of Glasgow Bank subsequently to the commencement of the liquidation proceedings for reduction of a transfer of shares on the ground of fraud, and for damages, the Court, being moved by him to stay proceedings which it was in the power of the liquidators to take upon non-payment of a call made upon the shares, refused the motion, holding (1) that the case of *Oakes v. Turquand*, July 1867, L.R. (H. of L.) 2 Eng. and Ir. Apps. 325, ruled that the reduction could have no such effect; and (2) that the conclusion for damages could not be pleaded where the interest involved was that of creditors.

Counsel for Petitioner—Rhind. Agent—William Officer, S.S.C.

Counsel for Liquidators—Kinnear—Balfour—Asher—Lorimer. Agents—Davidson & Syme, W.S.

CITY OF GLASGOW BANK LIQUIDATION—  
(TAIT'S CASE)—TAIT AND OTHERS  
(HOUSTON'S TRUSTEES) v. THE LIQUIDATORS.

*Public Company—Winding-up—List of Contributories—Provision for Repayment by Liquidators in event of Removal of Name from List by House of Lords if Appeal Sustained.*

It having been brought under the notice of the Court that difficulty might arise as to the repayment of calls if there were a reversal by the House of Lords of decisions which the Court had given adversely to parties petitioning for removal from the list of contributories, the Court, in the view that it would be for the advantage of the liquidators, and at any rate useful for their guidance as well as beneficial to the petitioners, pronounced the following general order:—"On application of several contributories for an order on the liquidators that the call already made should not be enforced in the meantime against them, on the ground that they might have duly applied to have their names removed from the list of contributories, and that their application cannot be finally disposed of before the said call becomes payable, and that they are apprehensive that if they should pay the said call, and afterwards succeed in obtaining a judgment of the Court or of the House of Lords directing their names to be removed from the list of contributories, they might not be able to obtain repetition of the amount of the calls so paid—the Court order and declare that the liquidators in enforcing payment of calls in such cases are under an obligation to repay, in whole or in part, the amount recovered from any contributory who thereafter obtains a judgment ordering his name to be removed from the list of contributories, or directing such variations of the list as will limit or postpone his liability for such calls."

Counsel for Petitioners—M'Laren.

Counsel for Liquidators—Kinnear—Balfour—Asher—Lorimer. Agents—Davidson & Syme, W.S.

Saturday, November 27.

#### SECOND DIVISION.

[Lord Young, Ordinary.]

CASSIE AND OTHERS v. THE GENERAL ASSEMBLY, AND PRESBYTERY OF DEER, ETC.

*Church—Stat. 37 and 38 Vict. c. 82 (Church Patronage (Scotland) Act 1874)—Jurisdiction—Jus devolutum—Powers of Church Courts under Patronage Act.*

The operation and effect of the 3d section of the Church Patronage (Scotland) Act 1874, which enacts that the Courts of the Church are to have a right "to decide finally and conclusively upon the appointment, admission, and settlement of a minister," is to exclude the jurisdiction of