

SECOND DIVISIONAL COURT.

MARCH 26TH, 1917.

W. A. STONE & CO. v. STANDER.

Fraudulent Conveyance—Action to Set aside—Evidence—Intent.

Appeal by the plaintiffs from the judgment of BRITTON, J., 11 O.W.N. 315.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and ROSE, JJ.

J. Harley, K.C., and A. M. Harley, for the appellants.

W. S. Brewster, K.C., for the defendants, respondents.

THE COURT dismissed the appeal with costs.

SECOND DIVISIONAL COURT.

MARCH 30TH, 1917.

RE PORT ARTHUR WAGGON CO. LIMITED.

SMYTH'S CASE.

Company—Winding-up—Contributory—Agreement to Take Shares in Company to be Formed—Inapplicability to Company Actually Formed—Acceptance of Shares—Acting as Director—Estoppel—Acquiescence—Allotment — Necessity for—Companies Act, R.S.C. 1906 ch. 79, sec. 46—Common and Preferred Shares—Appeal—Divided Court.

Appeal by the liquidator of the company from the order of BRITTON, J., 9 O.W.N. 383, reversing an order of the Master in Ordinary, in a reference for the winding-up of the company, confirming the placing of the name of W. R. Smyth upon the list of contributories.

The appeal was heard by MEREDITH, C.J.C.P., RIDDELL, LENNOX, and ROSE, JJ.

J. W. Bain, K.C., and P. White, K.C., for the appellant.

Strachan Johnston, K.C., for W. R. Smyth, the respondent.

MEREDITH, C.J.C.P., and RIDDELL, J., were of opinion, for reasons stated by each in writing, that the appeal should be