

MEREDITH, C.J.

JULY 15TH, 1902.

WEEKLY COURT.

RE PUBLISHERS' SYNDICATE.

HART'S CASE.

Company—Winding-up—Shares—Allotment—Contributory.

Appeal by T. S. Hart from an order of a special referee settling appellant on the list of contributories for \$300 in respect of five shares in the Publishers' Syndicate, Limited, a company which is being wound up under R. S. O. ch. 129 and the amendments thereto. As to one of the five shares there was no contest; it was fully paid up, and a stock certificate for it was issued and sent to the appellant. The application for the other four shares was made on 26th July, 1900, and they were allotted to appellant on the same day. No formal written notice of the allotment was shewn to have been given to the appellant; but letters were written to him by the company demanding payment on account of the shares, and personal applications for payment were made to him.

Gideon Grant, for appellant.

C. D. Scott, for liquidator.

MEREDITH C. J., held that the letters and what took place when the personal applications were made were sufficient to justify the conclusion that the appellant knew that the company had accepted his application for the shares and had treated him as a shareholder accordingly, which is enough to constitute a complete agreement. In re Universal Banking Corporation, Gunn's Case, L. R. 3 Ch. 40, referred to. Appeal dismissed with costs.

BOYD, C.

JULY 15TH, 1902.

WEEKLY COURT.

OTTAWA ELECTRIC CO. v. CITY OF OTTAWA.

Contract—Electric Light—"Unforeseen Accident Through no Default of Company"—Breach—Damages.

Appeal by plaintiffs and cross-appeal by defendants from report of local Master at Ottawa, heard at the Ottawa Weekly Court. The reference was for trial of the action, which was brought to recover \$18,669.50 for electric lamps and lighting, under a contract with the defendants. The controversy was as to the legal relationship of the parties in consequence of the destruction of the works of plaintiffs, in common with a large part of the city of Ottawa, by the