

“Q. There was no complaint about that? A. In a little while he was telling me that Vigeon was no good.

“Q. I asked you what else there was that induced you to go into this company except what you have told me? A. And that it took very little money.

“Q. You knew how much it was going to take? A. He told me \$2,000, of which he sold \$1,000; then it was a matter of another \$1,000.

“Q. What else? A. That is all I can tell you of.

“Q. Was there anything else that induced you to go into the company except what you have told? A. Not that I can think of . . .”

This evidence does not support a charge of fraud, *secundum allegata*, nor generally.

The plaintiff is a man of affairs and by no means unsophisticated as to the organization and conduct of joint stock companies. He is president and general-manager of the J. B. Smith Company, Limited, a company doing a very large business in lumber, and is or has been president or vice-president of several other corporations.

As to what took place about and after the organization of the company, and particularly as to alleged manufacture or falsification of minutes, etc., I acquit the Vigeons, father and son, and Mrs. McMullen (née Lampman) of any fraudulent complicity in anything that may have been wrongly or irregularly done.

As far as their personal actions are concerned, things may have been loosely done as a mere matter of routine, but with no wrong intent, and certainly not in pursuance of any conspiracy with defendant.

I am by no means satisfied either with defendant's conduct or his evidence. It is reasonably plain that he has not been “perfectly clear in his dealings with the plaintiff,” to adopt the phrase of the Lord Chancellor; and while I dismiss the action, I do so without costs.

Thirty days' stay.