

# The Ontario Weekly Notes

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APPELLATE DIVISION.

JUNE 11TH, 1913.

RE EMPIRE ACCIDENT AND SURETY CO.

FAILL'S CASE.

*Company—Winding-up—Shareholder—Liability as Contributory—Evidence—Onus—Dominion Incorporation — Provisions of Companies Clauses Act—Proxies—Pledgor and Pledgee—Credit for Dividends.*

Appeal by Alexander Fail from the order of MEREDITH, C. J.C.P., ante 926.

The appeal was heard by CLUTE, RIDDELL, SUTHERLAND, and LEITCH, JJ.

R. E. H. Cassels, for the appellant.

J. O. Dromgole, for the liquidator, the respondent.

THE COURT dismissed the appeal with costs; adding, however, a clause to the order to the effect that the appellant should be at liberty to apply to the liquidator to have the dividends on the appellant's shares credited on the shares in respect of which he was held liable, and that in that regard the order was not to prejudice the appellant.