

came in contact with it, or that it was in a place where she would probably come in contact with it, nor did he give it as his opinion that this was the cause of the accident.

The learned Judge said that he could not, upon the whole evidence, find as a fact that the sidewalk was, on the 1st January, in the condition in which the witness Ingoldsby said it was when he examined it after about a week had elapsed. It was not, in the learned Judge's opinion, even at that time, as the witness described it; but, if it could be found that it was, the plaintiffs would still have to prove something upon which it could reasonably be concluded that it was in this dangerous condition on the 1st January, and that the defendants had notice of the condition in time to repair it, or that the want of repair had existed for such a length of time before the accident that notice or knowledge should be implied.

The action failed; but the learned Judge assessed the damages contingently at \$700 to the wife and \$250 to the husband.

Action dismissed without costs.

LENNOX, J.

OCTOBER 9TH, 1920.

CLARKSON v. DAVIES.

Company—Directors—Transfer of Assets to another Company—Secret Consideration Received by Directors—Concealment from Shareholders — Conspiracy — Fraudulent Representation — Approval of Shareholders—Sanction of Attorney-General—Evidence—Corroboration—Claim against Executors of Deceased Director—Constitution of Actions—Res Judicata—Continued Existence of Company — Position of Directors — Agents — Trustees—Limitations Act, sec. 47 (2)—Joint Tort-feasors—Judgment against—Costs—Amendments.

Two actions, brought by Clarkson and others against Davies, Deacon, Dunn, Crawford, and the executors of Galbraith, to recover the sum of \$30,000, alleged to have been misappropriated by the defendants.

In the first action, Clarkson sued as liquidator of the Dominion Permanent Loan Company, and his co-plaintiff, Kathleen A. Hancock, on behalf of herself and all other shareholders of the Provincial Building and Loan Association.

In the second action, the plaintiffs were Clarkson (as liquidator) and the loan company and John R. Young, suing on behalf of himself and all other shareholders of the association.