

The appeal to the Supreme Court of Ontario (Second Appellate Division) was heard by HON. MR. JUSTICE CLUTE, HON. MR. JUSTICE RIDDELL, HON. MR. JUSTICE SUTHERLAND, and HON. MR. JUSTICE LEITCH.

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

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

THEIR LORDSHIPS 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.

SUPREME COURT OF ONTARIO.

2ND APPELLATE DIVISION.

MAY 14TH, 1913.

FARAH v. CAPITAL MANUFACTURING CO.

4 O. W. N. 1281.

Fraud—Lease—Subscription for Shares—Managing Director's Acts—Liability of Company—Rescission—Return of Moneys Paid.

KELLY, J., 23 O. W. R. 918, 4 O. W. N. 680, gave judgment for plaintiff for rescission of a lease to defendant company, and of an application for shares of the company, and for the return of all moneys paid, on the ground that plaintiff had been induced to enter into the transaction so set aside by the grossest misrepresentation and fraud of the company's managing director, for which the company was responsible.

Hilo Mfg. Co. v. Williamson, 28 T. L. R. 164, followed.
SUP. CT. ONT. (2nd App. Div.) affirmed above order.

An appeal by the defendants from a judgment of HON. MR. JUSTICE KELLY, 23 O. W. R. 918.

The appeal to the Supreme Court of Ontario (Second Appellate Division) was heard by HON. SIR WM. MULOCK, C.J.Ex., HON. MR. JUSTICE CLUTE, HON. MR. JUSTICE RIDDELL, HON. MR. JUSTICE SUTHERLAND and HON. MR. JUSTICE LEITCH.

J. T. White, for the defendants.

W. L. Scott, for the plaintiffs.

THEIR LORDSHIPS (V.V.), dismissed the appeal with costs.