

THE
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CARTWRIGHT MASTER. NOVEMBER 28TH, 1903.

CHAMBERS.

CANADIAN GENERAL ELECTRIC CO. v. TAGONA
 WATER AND LIGHT CO.

*Summary Judgment—Motion for—Defence—Liability of Company for
 Indebtedness Exceeding Statutory Limit.*

Motion by plaintiffs for summary judgment under Rule 603 in an action for the price of goods sold and delivered.

E. G. Long, for plaintiffs.

J. W. Bain, for defendants.

THE MASTER.—The amount of the claim was admitted. The motion was resisted on the ground that the affidavit of defendants' general auditor shews that the indebtedness of defendants largely exceeds the limits prescribed by R.S.O. 1897 ch. 199, and that under secs. 11 and 40 the directors are personally liable, but not the company. Whether this contention is right, and whether sec. 11 gives an exclusive and not an alternative remedy, is a question fairly arguable: *Jacobs v. Booth*, 85 L. T. R. 262.

Motion refused. Costs in the cause.

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HUNTER v. BOYD.

*Pleading—Statement of Claim—Amendment before New Trial—Rule
 312—"At any Time"—Special Damage.*

Motion by plaintiff for leave to amend the statement of claim by inserting a paragraph alleging special damage.