

shareholders in any of the statements shewn to have been issued to them; and it was advisable that that information should be laid before them before the application was further dealt with. The shareholders should be called together and the information submitted to them; and the result of the meeting, including a report of what proportion in value of the shareholders were in favour of a winding-up, should be added to the material supplied for or against the petition; after which the petition would be disposed of. C. V. Langs, for the petitioners. G. Lynch-Staunton, K.C., for the company.

NIXON v. NICKERSON—LENNOX, J.—Nov. 16.

Fire—Destruction of Property—Negligence—Evidence—Damages—Remoteness.]—Action for damages for the destruction of the plaintiff's property by fire set out by the defendant's servant. The action was tried by LENNOX, J., without a jury. The learned Judge said that it was not suggested that William Clarke had any profit or end to gain by giving false evidence. His statement that he was working on the defendant's property and set out a fire north-west of the plaintiff's mill on the 28th June, was corroborated by several witnesses. That Clarke was the servant and agent of the defendant was not and could not be disputed. That the fire which destroyed the plaintiff's mill and personal property originated in the fire set out by Clarke was overwhelmingly established. The amount which the plaintiff should recover was not so clear, and in this case, of common misfortune, the learned Judge was disposed to give the defendant the benefit of any doubt. The plaintiff might have lost \$240 in cash; but of a loss so easily asserted there should be very clear proof. The existence of the money should not be left in doubt. Enough was not shewn to entitle the plaintiff to the allowance of this item. The \$250 for medical attendance, loss of time, and suffering, was honest enough, but it was not recoverable damage—it was too remote. There were a number of small items for which he should be allowed in all \$105.15. For the loss of the mill, \$750 should be allowed. Judgment for the plaintiff for \$856.15, with costs. F. L. Smiley, for the plaintiff. Franklin Pumaville, for the defendant.