

to the testimony adduced by the appellant, and as found by the trial Judge, the respondent agreed that, if the appellant would take stock in the new company for the \$1,500, he would, in the event of the appellant's husband ceasing to be general manager, take the stock off her hands and pay her the \$1,500. The husband was employed, but was dismissed, and this action was brought.

The trial Judge found the facts in favour of the appellant, and properly so upon the evidence, but dismissed the action, on the ground that the parol agreement could not be enforced because of the provisions of the Statute of Frauds. But it was clearly not necessary that the agreement should be evidenced by a writing signed by the respondent; and the judgment should, therefore, on the findings of fact, have been entered for the appellant.

It was contended that there was no consideration for the promise of the respondent, if he made it; but the husband was acting for his wife in the transaction, and she was bound by the obligation that the arrangement imposed upon her—to take \$1,500 worth of the stock and to give it up to the respondent upon receiving the \$1,500 in the event of her husband being discharged—and that was a consideration sufficient to support the respondent's promise.

The appeal should be allowed with costs, and judgment should be entered for the appellant for the recovery of \$1500, with interest at 5 per cent. from the date of the appellant's husband leaving the employment of the company, and with costs.

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FIRST DIVISIONAL COURT.

APRIL 3RD, 1917.

**\*LORSCH & CO. v. SHAMROCK CONSOLIDATED MINES LIMITED.**

*Company—Shares—Application for Transfer on Books—Companies Act, R.S.O. 1914 ch. 178, sec. 121—Issue as to Right—Irregularity or Illegality in Issue of Shares—Failure to Prove—Status of Applicants—Holders of Certificates—Sec. 54 of Act—Real Ownership of Shares—Evidence—Refusal of Company to Register Transfer—Costs.*

Appeal by the plaintiffs from the judgment of LENNOX, J., 11 O.W.N. 357, finding in favour of the defendants an issue directed to be tried, and refusing to require the defendant com-