

further issue under the Land Titles Act (Re G., 21 O. R. 109), it should also be forced on an unwilling purchaser. In *Edwards v. Tuck*, 23 Beav. 268, the earlier cases are collected. In *In re Widdow's Trusts*, L. R. 11 Eq. 408, In *re Millner's Estate*, L. R. 14 Eq. 245, *Davidson v. Kimpton*, 18 Ch. D. 213, the presumption was acted on. In Re G., *supra*, there was medical evidence, but Dart says the vendee is entitled only to a moral and not a mathematical certainty of title, and I do not think such evidence is necessary in this case.

MAGEE, J.

DECEMBER 22ND, 1904.

CHAMBERS.

RE REDPATH MOTOR VEHICLE CO.

Company — Winding-up — Petition — Affidavits — Insufficient Facts—Leave to Supplement.

Petition for order winding up the company under the Dominion Act. The petition alleged insolvency generally and also gave certain details, but the application was based on clauses (b), (d), (e), and (g) of sec. 5 of the Act. The subscribed capital was \$16,500, with \$14,300 alleged to be paid up, and the company continued active business only for about 6 months. The assets had dwindled to a comparatively small amount apparently, while two directors were alleged to be liable on unpaid stock.

W. C. McKay, for the petitioner.

W. Davidson, for the company.

MAGEE, J.—The facts given in the affidavits do not make out clearly that the company is brought under the clauses mentioned, and on some important points the affidavits do not comply with the Rules as to giving the source of information and belief. No idea is given as to the outstanding liabilities, and it is not ascertained whether they exceed the remaining assets. Sufficient is shewn to make it desirable that the company should be wound up. It was alleged that the petitioner was unable to procure the examination of the secretary, who is absent. Petitioner should have leave to amend the petition and offer such additional evidence as he may be advised, and again present it within 3 weeks, excluding vacation. Costs of this application can then be disposed of. If not again presented, the petition will be dismissed without costs.