

THE
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING SEPTEMBER 17TH, 1904.)

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MAGEE, J.

SEPTEMBER 12TH, 1904.

CHAMBERS.

RE EWART CARRIAGE WORKS LIMITED.

Company—Winding-up—Petition for—Insufficient Allegations—Evidence—Affidavits—Amendment—Terms.

Petition by the Dunlop Tire Co. for an order for the winding-up of the Ewart Co. under the Dominion statute.

C. S. MacInnes, for petitioners.

S. B. Woods, for company.

MAGEE, J.—The company is a trading company, incorporated under the Ontario Joint Stock Companies Act on 19th February, 1903, among the objects of that company being to acquire the business of James Ewart. The nominal capital was \$100,000 in 1,000 shares, of which 294 were subscribed and 133 paid up. Of the \$16,100 owing upon subscribed shares a sum of \$500 is said to be owing by one director and \$400 by another; \$15,000 by Mr. James Ewart, described as manager, who holds 250 shares; and it is alleged by the petitioners that another shareholder, Mr. Boules, described as secretary, really subscribed for \$3,000 of stock, although only appearing as holder of \$1,000 fully paid. . .

The petitioners are judgment creditors for \$205.84, made up of \$193.97 debt and \$11.87 costs, their judgment being recovered on 9th July, 1904.

The petitioners allege that a writ of fi. fa. was issued on 9th July, 1904, under their judgment, and that the Ewart Co. permitted the execution so issued against them, and under which their goods, chattels, lands, and property were seized, to remain unsatisfied for more than 15 days after the