

instigation or request: "Moved that the application for 10 shares of company stock by Mr. S. Egan be not accepted. Seconded Mr. E. Willfong."

This resolution conflicts with the entries in the financial books of the company, which shew that on 1st March, 1905, this director-contributory had been entered by the company as a shareholder for \$1,500. And the question at once arises: Could this company, after enrolling and entering this director--contributory as a shareholder, deny to him (if the company had been prosperous) his rights as a shareholder to the shares so acknowledged?

The answer will be found in the observations of Sir W. M. James, L.J., in *Weikersheim's Case*, L. R. 8 Ch. at p. 837, where, after finding that the names of the contributories had been entered in what he called the "second volume of the register of members," he said: "The company after that could not have disputed the right of any person entered therein, on the ground of his not being registered as a member; and I am of opinion that the member could not dispute the fact that he was entered in that book as a member registered, and having the rights and liabilities of a member of the company." See also *Compbell's Case*, L. R. 9 Ch. at p. 15, and as to the power of directors to remit shares, see *Re London and Provincial Consolidated Coal Co.*, 5 Ch. D. 525.

Then in the statutory summary or return required by R. S. O. 1897 ch. 191, s. 79, to be transmitted to the Provincial Secretary, the name of this contributory appears as a shareholder as follows: "Egan, S., 143 Spadina Ave., Com. Merchant. Amount of stock held, \$1,500. Amount unpaid and still due thereon, \$1,000." This summary is an official or public document in the custody of the Provincial Secretary, and a certified copy is receivable as evidence under R. S. O. 1897 ch. 73.

Prior to the meeting of 8th June, 1905, at which the resolution above cited was passed, the following letter dated 6th June, 1905, and signed by the assistant secretary-treasurer, was stated to have been received by this director-contributory: "Samuel Egan, Esq., Spadina Avenue, Toronto. Dear Sir,—We are in receipt of your application for 10 shares of common stock of the Cement Stone and Building Company, Limited, Toronto, Ontario. We regret that we are unable to allot you this stock, as we have closed our