

The plaintiff's case is set out fully and clearly. The claim is simple, to have the deeds to Bull and McConnell set aside as clouds on his title. The facts on which he relies are also fully set out; none occurs to me as stated which would not strengthen his case if proved. This is more especially the case as there is a claim for "damages from defendants for their fraudulent attempt to deprive plaintiff of his said lands."

It must be assumed on this motion that such a claim can be successfully made, though no grounds of special damage are given. The fact of course may be otherwise. I am not able to consider this.

The motion is dismissed. The costs will be in the cause.

A reference to *Harris v. Harris*, 1 O. W. R. 734, may be useful; also to cases cited at end of *Stratford Gas Co. v. Gordon*, 14 P. R. 407.

MEREDITH, C.J.

APRIL 4TH, 1905.

WEEKLY COURT.

RE WIARTON BEET SUGAR CO.

JARVIS'S CASE.

*Company—Winding-up—Contributory—Payment for Shares
—Conditional Agreement—Condition Subsequent.*

Appeal by John Jarvis from the report of an official referee (McAndrew) dated 28th January, 1905, settling the appellant upon the list of contributories for \$14.25 as the amount unpaid on one share of the capital stock in the Wiarton Beet Sugar Company, Limited, which was being wound up under the Dominion Winding-up Act.

W. M. Douglas, K.C., for appellant.

W. H. Blake, K.C., for liquidator.

MEREDITH, C.J.:—I am of opinion that the conclusion of the official referee is right and must be affirmed.

The effect of the agreement of 13th January, 1900, and the subsequent acts of the parties, was, I think, to constitute the appellant a shareholder in *præsenti* with a collateral