

THE  
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HON. MR. JUSTICE KELLY.

OCTOBER 25TH, 1913.

SASKATCHEWAN LAND & HOMESTEAD CO. v.  
MOORE.

5 O. W. N. 183.

*Company—Managing Director of—Claims against—Counterclaim—  
Indebtedness to Company—Alleged Assumption of Mortgage—  
Account—Commission—Salary—By-laws of Company—Reten-  
tion by Defendant of Surplus Assets of Company to Satisfy Al-  
leged Debt—Directors—Right to Delegate Powers to Committee  
—Interest—Statute of Limitations—Trustee—Commission—  
Salary—Endorsement of Commercial Paper—Compensation for  
—Reference—Further Directions Reserved.*

KELLY, J., gave judgment for the plaintiffs with a reference in an action by an incorporated company against its managing director for the return of certain of its moneys retained by him on various pretexts, and refused to permit the defence of the Statute of Limitations to be raised on account of the fiduciary relationship existing between the parties.

Action by plaintiffs, an incorporated company, against defendant, their former managing director, for various sums alleged to have been wrongfully retained by defendant upon various pretexts while such managing director. Defendant counterclaimed for commissions on the sale of lands for plaintiffs, past due salary as managing director, disbursements, compensation for discounting commercial paper of plaintiffs and for special services.

J. L. Whiting, K.C., and A. B. Cunningham, for plaintiffs.

A. J. R. Snow, K.C., for defendant.

HON. MR. JUSTICE KELLY:—Plaintiffs' several claims against defendant arise out of transactions of defendant while he held the office of plaintiffs' managing-director. These claims are itemised in the statement of claim.