

authority to remove him from office as executor and to appoint another in his place.

*In re Moore, McAlpine v. Moore*, 21 Chy.D., 778, distinguished.

A petition to remove a trustee should be entitled "In the matter of the Trustee Act of 1850."

J. M. Clark for the petitioner.

BOYD, C.]

RE CENTRAL BANK AND HOGG. [Feb. 20.

*Winding-up proceedings—Infant stockholder repudiating liability as contributory—Laches—Acquiescence.*

H. signed the petitioner's (his daughter's) name to a stock subscription book of a bank, paid the calls, received the dividend cheques, which were endorsed by the daughter at her father's request. The bank was put into liquidation by winding-up proceedings, and the order for call against contributories was made on 31st October, 1888. The petitioner came of age January 31st, 1889, and took proceedings to have her name removed from the list October 30th, 1889.

Held, that there was no authority to justify fixing her with liability, and she was discharged as a contributory.

Hoyles for the petitioner.

Hilton contra.

Chancery Division.

BOYD, C.]

SIBBALD v. GRAND TRUNK RY. CO. [March 14.

*Practice—Death between verdict and judgment—New trial—Jurisdiction.*

Where, since verdict and before judgment in action for damages against a railway company, one of the parties to whom damages were awarded died, and the verdict was now moved against, on the ground of excessive damages,

Held, that the Court had power to order a new trial.

If such damages are given as are likely to work injustice in case death intervenes between verdict and judgment, the Court has the power to interfere by granting a new trial.

Shepley and Burns for the plaintiff.

B. B. Ostler, Q.C., and Nesbitt for the defend-

Div'l Ct.]

[March 8.

SHAW et al v. MCCREARY et al.

*Married woman—Separate estate—Liability of wife for husband keeping a wild animal on wife's property—R.S.O., c. 132, s. 14.*

Plaintiff was attacked, on the public street, and injured by a bear, which had escaped from the premises of the defendants (husband and wife), where they resided. The husband had brought the bear home, and confined him in a yard, without objection on the part of the wife. The premises were the separate property of the wife.

In an action against the defendants, in which a verdict was rendered against the husband alone, the trial Judge having directed the jury that the wife was acting under the dominion of her husband, and consequently was not liable, and dismissed the action as against her,

Held (reversing Galt, C.J., C.P.), that a married woman may be liable for torts committed by her, unless acting under the coercion of her husband, which was not proved here, and that R.S.O., c. 132, ss. 3 and 14, gives her all the rights of a *feme sole* in respect of her separate property against all the world, including her husband, and that if she wished to escape the liability which attaches to the keeper of wild animals, her duty was either to have the bear destroyed or to have it sent away, and a new trial was ordered as to the wife, unless a consent be given to allow the verdict to include both defendants.

R. L. Fraser for the plaintiffs.

W. N. Miller, Q.C., for the defendant, Mary McCreary.

Practice.

ROBERTSON, J.]

[Jan. 31.

IN RE SOLICITORS.

*Solicitor and client—Costs of unnecessary proceedings—Disallowance of—Proceeding by writ of summons where summary application sufficient—Administration order.*

The solicitors instituted an action on behalf of a young woman, one of two residuary legatees and devisees under a will, against the executors and trustees, for an account. Upon the pleadings, charges of negligence in getting in rents, etc., and of refusal to account, were made