

to pay the interest to the husband during life, and after the decease of both to divide the money equally among the children, and if there was only one child, to pay over the whole to such child, and in case of the death of the wife without issue, to pay over the money to the husband, and in case the husband and wife did not make any appointment then in trust to support the contingent remainders thereafter limited and to pay the rents on the same trusts as the money. Two children were born: the husband died: one of the children attained twenty-one, married and died before his mother, leaving his sister and a daughter surviving. In an action in which the sister claimed the whole property,

*Held*, that the deceased son took a vested interest, although he died before the period for conveying, and that his daughter was entitled to her father's share.

*E. G. Porter*, for trustee. *Armour*, Q.C., for sister. *W. H. Blake*, for daughter.

Boyd, C.] TOWNER v. HIAWATHA COMPANY. [March 6.

*Company - List of shareholders - Posting up - "Duplicate" - R.S.O. c. 191, s. 79.*

*Held*, that where the list of shareholders transmitted to the Provincial Secretary showed a certain person as holding one thousand dollars' worth of stock, while in the list posted up in the head office of the company his name was deleted, the two lists were not duplicates within the meaning of R.S.O. c. 191, s. 79, and liability of penalty under that section had been incurred by the defendants.

*Du Vernet*, for plaintiff. *Cameron*, for defendant.

Meredith, C.J.] MURPHY v. PHOENIX BRIDGE CO. [March 25.

*Writ of summons - Service on foreign corporation - Business within Ontario - Servant - Agent - Rule 159.*

Rule 159 provides that where a corporation is a party to a cause a writ of summons may be served on certain specified officers of such corporation, or of any branch or agency thereof in Ontario; "and every person who, within Ontario, transacts or carries on any of the business of, or any business for any corporation whose chief place of business is without Ontario, shall, for the purpose of being served as aforesaid, be deemed the agent hereof."

*Held*, that these latter words do not include every servant of a corporation doing any act, however trivial or unimportant, in the course of the business of the corporation, but have reference to acts done by one occupying a position analogous to that of agent, and having the charge or direction of the business which he transacts or carries on for the corporation.