

for 24th April, 1904, at which meeting the dissenting trustees were removed from office, and three new trustees substituted for them.

The vendors were the two non-dissenting trustees elected at the meeting on 21st February, 1904, and the three substituted trustees elected at the meeting of 24th April, 1904. The property in question was not offered for sale by public auction, and no advertisement as to the sale was given: see R. S. O. 1897 ch. 307, sec. 14.

E. G. Long, for vendors.

M. H. Ludwig, for purchaser.

FALCONBRIDGE, C.J.—Section 16 of the Act respecting the Property of Religious Institutions requires that notice of a meeting at which trustees are to be elected be given at least eight days previous to the day appointed for holding such meeting. This is well settled to be eight clear days. The notice calling the meeting held on 21st February was insufficient, as eight clear days' notice had not been given. The meeting was, therefore, improperly called, and the election of trustees thereat was invalid. The same reason and result applies to the meeting held on 24th April, 1904.

The vendors are, therefore, not the trustees of the Synagogue, and cannot convey to the purchaser. In addition to this fatal objection, the provisions of sec. 14 of the Act, requiring an advertisement and an offering of the property for sale by public auction before a private sale can be made, were not complied with. The title cannot, therefore, be forced upon an unwilling purchaser, that is, a purchaser who is unwilling to take anything but a proper title.

ANGLIN, J.

DECEMBER 22ND, 1904.

TRIAL.

HILL v. HILL.

*Gift—Moneys Deposited in Bank—Terms of Deposit Receipt
—Testamentary Disposition—Costs.*

Action by John R. Hill against the personal representative of his deceased father, William Hill, for a declaration that a certain deposit receipt and the moneys represented by it were the property of plaintiff and not part of the estate of his deceased father.