

The learned Judge said that he was unable to come to the conclusion that it was clear that, under the order made pursuant to the Dominion Winding-up Act, the provisions of the Ontario Act could be said necessarily to apply. There should be clear statutory authority to compel minority shareholders to accept shares in another company in place of a share in the proceeds of a sale for cash.

The appeal should be allowed and the other motions dismissed; no order as to costs.

LENNOX, J.

DECEMBER 10TH, 1919.

RE SCOFI AND HARRIS.

Deed—Conveyance of Land—Power of Appointment Given to four Grantees—Exercise of Power by two Appointing in Favour of Remaining two—Sufficiency to Pass Estate—Estoppel—Distributive Powers—Construction of Deed—Title to Land—Vendor and Purchaser.

Motion by Etta Scofi, vendor, for an order, under the Vendors and Purchasers Act, declaring invalid the objection made to the title to certain land which the applicant had agreed to sell to Annie Harris.

The motion was heard in the Weekly Court, Toronto.
 J. A. Broudy, for the vendor.
 H. Stanley Honsberger, for Annie Harris, the purchaser.

LENNOX, J., in a written judgment, said that the only question submitted to him arose out of the fact that in a conveyance, in the chain of title, in which Charles Badder and Charles Skryetz were grantors and Samuel Dvoretzky and three others were grantees, the habendum limited the grant to such uses as the grantees might by deed or will appoint and in default of appointment to the grantees in fee. Two of the grantees joined in a deed purporting to exercise their powers and vest their estate and rights under this deed in favour of and in the other two of them. The form of the conveyance by which this was done was not in question. By subsequent conveyances the property was said to have been duly conveyed to the vendor, if the deed from two of the original grantees to other two of them was sufficient in law.

The question raised was: Could the power of appointment, limited to four grantees, be exercised by two of them in favour of the other two and pass the estate?