

infancy. The plaintiff then filed a bill in equity for relief. The court ordered the notes to be returned to the plaintiff with directions that the defendant should not plead the Statute of Limitations to any action which the plaintiff might bring upon the notes, or any other plea which could not have been pleaded at the time the bond was given. But the court would not order immediate payment of the money. This case was approved in *Stikeman v. Dawson* (ubi sup.), and the later decision of *Lemprière v. Lunge*, 41 L.T. Rep. 378, 12 Ch. Div. 675, is strictly in accordance. It follows that at the suit of the party defrauded the court will rescind the transaction and restore the parties to the positions they held immediately before it.

There are other cases before the year 1858 in which the Court of Chancery purported in a sense to impose liability upon an infant who procured some advantage by means of a fraudulent misrepresentation. It is unnecessary to cite them all. They may be grouped into the following classes:—

(1) Cases where persons on attaining full age are held bound by acts done during infancy which after attaining twenty-one years they have allowed to stand.

(2) Cases of postponement of prior incumbrancers who have induced persons to become purchasers or mortgagees of property by representing that it was free from incumbrances.

(3) Cases of rescission of deeds and conveyances and restoring the parties to their original positions.

(4) One doubtful case, *Evroy or Esron v. Nicholas* (ubi sup.), where an infant on repudiating a lease was ordered to restore a fine taken on granting it.

Now comes the case on which *Stocks v. Wilson and R. Leslie Limited v. Shiell* (ubi sup.) purport to be based. This is *Ex parte Unity Joint Stock Mutual Banking Association; Re King* (1858), 3 DeG. & J. 63. In that case Octavius King, an infant, and his brother Alfred carried on business as O. and A. King, opened an account with a bank, and applied for a cash credit of £5,000, giving securities including bonds and policies of insurance on their lives, while Octavius King added to the induce-