

A certificate, dated 1st June, 1905, that Barton was the holder of one hundred shares of the capital stock of the company, upon which \$2,500 had been paid, was issued, and was produced by Barton's executors upon a subpoena, on the reference; and it was proved upon the reference, that the executors had received two dividends from the company upon that one hundred shares of stock in the company; so that a case for putting the executors upon the list was quite made out, without taking into consideration the evidence of Boles, and the fact that Barton's name appears upon the copy of the list of shareholders as the owner of seventy-five and of twenty-five shares; and that case was not contradicted or met in any way in evidence by the appellants.

The appeal must be dismissed; the respondent is entitled to his costs of it from the appellants.

HON. R. M. MEREDITH, C.J.C.P.

MARCH 4TH, 1913.

RE SUGDEN AN INFANT.

4 O. W. N. 924.

Infants—Sale of Lands of—Practice—1 Geo. V. c. 35—2 Geo. V. c. 17, s. 31—Con. Rules 960-970, 1308.

MEREDITH, C.J.C.P., *held*, that upon an application for the sale of an infant's lands the practice as laid down by the statute and the Consolidated Rules must be strictly followed, and in particular the application must be made by the guardian, the infant if over 14 produced for private examination by the Court and the deponents in support of the motion examined *viva voce*.

An application on petition for an order for the sale of the land of Vera Gladys Sugden, an infant, heard by HON. R. M. MEREDITH, C.J.C.P., on 1st March, 1913, at London, Ontario.

J. MacPherson, for the petitioners.

Coleridge, for the Official Guardian.

HON. R. M. MEREDITH, C.J.C.P.:—The proper mode of procedure, in such a case as this, is the only question for consideration on this application now; the merits cannot be taken into account before it is first considered whether they are before the Court in the manner prescribed by law.