of his being helpless from age or infirmity, and that the mother was really the head and support of the family, should not be admitted unless it can be further proved that the mother has separate estate in which was the common abode, or that by some transaction apart from the husband there was a condition of real service between her and her daughter. The common law right to the service is given to the father as the head of the family, and that relation is not changed because of his personal infirmity, as it is a legal result flowing from the family status. There is no divided right or co-ordinate power of control during the joint lives—all is in the father.

J. P. Maybee for the plaintiff.

G. G. McPherson for the defendant.

Div'l Court.] [Jan. 22.

RE DOMINION PROVIDENT BENEVOLENT AND ENDOWMENT ASSOCIATION.

Winding-up proceedings—Company or association—Security by interim receiver—Officer of the company—Power of Master to order punishment for non-compliance.

The Master has no authority under the provisions of 55 Vict., c. 39 (O.), to direct security to be given by an official as an officer of an association or company. Section 54, s-ss. 5 and 7, merely provide for the giving of security as an interim receiver, which may be made a condition of being retained in that office, but would not seem to be appropriately punished by imprisonment.

J. P. Maybee and *L. McCarthy* for the appeal.

G. G. McPherson and *W. H. Blake*, *contra*.

BOYD, C.] [Nov. 14, 1893.

HARTE *v.* THE ONTARIO EXPRESS AND TRANSPORTATION CO.

KIRK AND MARLING'S CASE.

Company—Shares—Assignment—Surrender—54 & 55 Vict., c. 110, s. 4 (D.).

By 54 & 55 Vict., c. 110, s. 4 (D.), power was given to any shareholder of the company to surrender his stock by notice in writing within a certain time.

A shareholder, desiring to surrender his stock, transferred it within the time by an ordinary assignment to the president in trust, both intending the transfer to operate as a surrender.

Held, a valid surrender.

J. B. Clarke, Q.C., for the president.

J. M. Clark for the shareholder.

Hoyles, Q.C., for the liquidator.