
REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

Ont.] SINCLAIR v. OWEN SOUND. [June 24.

Municipal law—Vote on by-law—Local option—Division into wards—Single or multiple voting.

Section 355 of the Ontario Municipal Act, 3 Edw. VII. c. 19, providing that "when a municipality is divided into wards each ratepayer shall be so entitled to vote in each ward in which he has the qualification necessary to enable him to vote on the by-law," does not apply to the vote on a local option by-law required by s. 141 of the Liquor License Act, R.S.O. (1897) c. 245.

Appeal dismissed with costs.

Nesbitt, K.C., and Wright, for appellant. Hodgins, K.C., and Frost, for respondent.

N.B.] DALY v. BROWN. [June 24.

Executor and trustee—Moneys of testator—Deposit in bank—Authority to draw against—Gift—Sale by executor—Undervalue—Jurisdiction of Probate Court.

D. deposited money in bank in the joint names of himself and a daughter with power in either to draw against it. The daughter never exercised this power and when D. died she and her co-executor of his will, in applying for probate, included said money in their statement of the testator's property.

Held, that the money in bank remained the property of D. and did not pass to the daughter on his death.

An executor sold property of the estate for \$800 his wife being the purchaser. On passing the accounts the judge of probate found, as a fact, that the property was worth \$1,800 and ordered that the executor account for the difference.