

Shares of the bank's stock were purchased by the father and placed in the name of the daughter while she was an infant. She was born on the 6th December, 1890. The liquidator relied on ratification after majority.

The appeal and cross-appeal were heard in the Weekly Court at Toronto.

George Kerr, for Muriel I. Clark.

Joseph Montgomery, for A. D. Clark.

J. W. Bain, K.C., and M. L. Gordon, for the liquidator.

RIDDELL, J., said that it was to his mind too clear for argument that receiving any part of the money made available by any proceeding, however irregular, was a ratification of that proceeding: *Clarke v. Phinney* (1896), 25 S.C.R. 635; *Steen v. Steen* (1907), 9 O.W.R. 65, 10 O.W.R. 720.

The act of Miss Clark in knowingly receiving money (dividends) to which she was entitled only if she was the rightful owner of the shares was a ratification by a person after attaining majority of the acts done in her name when she was an infant; and this was strengthened by the position taken before the Referee—that she did not repudiate the ownership of the stock.

Her appeal failed and should be dismissed with costs.

Cross-appeal dismissed without costs.

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RE PAGE—MEREDITH, C.J.C.P.—DEC. 6.

*Will—Construction—Summary Application—Parties—Heirs at Law and Next of Kin.*]—Motion by the executors of the will of Thomas Page, deceased, for an order declaring the proper construction of his will in regard to certain questions propounded. MEREDITH, C.J.C.P., said that the parties who had notice of this motion, all of whom were represented and heard when it was made, had the utmost confidence that no one but them could by any possibility have any right to or interest in the estate in question; and maintained that position, though one of the questions asked in the notice of motion was, whether, if the legacy in question lapsed, the heirs at law or next of kin of the testator would have an interest in the estate; and though such persons were neither represented upon, nor had notice of, this motion—except such of them as were claiming under the