

Full Court.] IN RE RUTH WHITE. [Dec. 14, 1907.

*Lunatic—Appointment of guardian—Married woman—Capacity to act.*

Where a married woman possessed of property in her own right and otherwise qualified is appointed guardian of the person and estate of a person of unsound mind, the appointment will not be set aside on the sole ground of her standing as a married woman.

Since the Married Woman's Property Act, R.S. (1900), c. 112, many of the objections formerly urged against the appointment of a married woman as trustee have been swept away and a married woman may now accept a trust by virtue of her power to contract as a femme sole.

*O'Connor*, for appellant. *Kenny*, for respondent.

Full Court.] DONNELLY v. VROOM. [Dec. 14, 1907.

*Fishery—Public right of—Ownership of flats between high and low water mark—Digging clams.*

Plaintiff claimed damages from defendants for the conversion of a dory, its oars, and a quantity of clams.

Defendants paid a sum of money into Court in respect to the dory and oars, but counterclaimed for the clams which they claimed were dug upon flats of which they were owners from high to low water mark.

*Held*, dismissing defendants' appeal, and affirming the judgment of the trial Judge that the digging of the clams in question was done in the exercise of a public right of fishery and that defendants' ownership of the flats was subject to such right.

*J. J. Ritchie*, K.C., for appellants. *Roscoe*, K.C., and *F. Jones*, for respondent.

Full Court.] [Dec. 14, 1907.

AUSTEN v. CANADIAN FIRE ENGINE CO.

*Principal and agent—Commission—Right of agent to recover where sale not completed.*

Defendant company entered into an agreement in writing to pay plaintiffs a commission of five per cent. upon all sales