

though it might have been in the absence of a direction for such conversion.

9. Under the deed there might be an accumulation of income beyond the period permitted by the Thellusson Act, if the trustees should exercise the power given them of withholding the shares of some of the beneficiaries and giving them to others, and an accumulation beyond the permitted period would be void under the Act, but the gift itself would not be void unless it would also infringe the rule against perpetuities. *Godefroi on Trusts*, 912; *Jagger v. Jagger*, 25 Ch.D. 729, and *Tench v. Cheese*, 24 L.J. Ch., at p. 55, followed.

10. The possibility of a power in a deed of settlement being at some future time exercised so as to infringe the rule against perpetuities does not make the power itself void, where it is such that it may be exercised in a manner entirely unobjectionable. *Clark v. Dawkins*, L.R. 10 Ch. Ap. 35; *Picken v. Matthew*, 10 Ch.D. 264, and *Re Bowles* (1905), 1 Ch. 371, followed; *Leake v. Robinson*, 2 Mer., at 389, distinguished.

11. As the widow and children of a deceased son would be entitled under the deed to a share of the estate, and so were interested in maintain the deed, they were necessary parties to the action attacking it, which therefore failed for lack of parties, notwithstanding that the executors of the will of said son had been made parties. These executors took nothing under the deed and did not represent the infant children of their testator, and therefore had been made parties unnecessarily.

*McMeans*, K.C., *Elliott* and *Macneill*, for plaintiff. *Aikins*, K.C., and *Dennistoun*, K.C., for defendant trustees. *Pithlado*, *Fullerton*, *O'Connor*, *Young*, *Blackwood*, *Chandler* and *Chalmers*, for the several other defendants.

Metcalf, J.]

ALDONS v. SWANSON.

[April 29.

*Principal and agent—Revocation of agency—Work done before revocation—Commission on sale of land—Quantum meruit—Distinction between power to revoke authority and right to do so.*

An agent who has been given the exclusive sale of real estate for a limited period on terms of being paid a commission in case of sale is entitled to substantial damages upon revocation of his authority, if he has, within the time limited, found a purchaser for the property as the result of special efforts and the expendi-