

THE
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MEREDITH, C.J.

FEBRUARY 3RD, 1909.

WEEKLY COURT.

RE BOWERMAN AND HUNTER.

Devolution of Estates Act — Registration of Caution after Expiry of Three Years—Approval of Official Guardian—Vested Interest of Infant in Land Devolving—Construction of secs. 14, 15, 16—Revesting in Personal Representative—Sale with Approval of Guardian.

The following case was stated for the opinion of the Court, under the Vendors and Purchasers Act:—

“Certain objections to the title were made under the contract of sale, dated 9th December, 1908, between L. H. Bowerman, as vendor, and Mary Ann Hunter, as purchaser, all of which have been satisfactorily disposed of, except the following, and, in order to narrow the point to be decided, a stated case has been agreed on as to the facts which give rise to the point in dispute.

“Mary Elizabeth Lee acquired an estate in fee simple by purchase of lot 38, plan 516, Wallace avenue, Toronto, on 5th May, 1890, and died intestate 24th October, 1904, leaving her surviving her husband, Frederick William Lee, and one infant child, Mary Helen N. Lee, without having sold or disposed of said lands. On 5th December, 1904, letters of administration were granted by the Surrogate Court of the county of York to Frederick William Lee, husband.

“The said administrator, Frederick William Lee, filed a caution under the Devolution of Estates Act more than 3 years after the decease of the said intestate, Mary Elizabeth