

BOYD, C.

OCTOBER 23RD, 1916.

RE SOVEREIGN BANK OF CANADA.
BARNES'S CASE.

*Bank—Winding-up—Contributory — Gift of Shares to Infant —
Repudiation by Infant at Majority—Ratification by Court—
Reversion to Donor—Liability as Contributory.*

Appeal by Barnes from an order of the Referee in a winding-up proceeding placing the appellant on the list of contributories.

The appeal was heard in the Weekly Court at Toronto.

A. C. McMaster, for the appellant.

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

THE CHANCELLOR, in a written judgment, referred to a joint admission of facts which stated "that the daughter has repudiated her action in accepting said shares upon the ground that she was an infant, and her repudiation has been upheld by the Court."

Upon this admission the Chancellor based his judgment: the transfer of shares to the daughter from the father, by way of gift, while she was yet an infant, was not void, but it was capable of being avoided by her dissent and repudiation. She did validly and effectually repudiate the shares; her title thereto ceased, and of necessary consequence reverted to the donor, her father, the appellant, whose gift had failed by the repudiation of the beneficiary, ratified by the judgment and order of the Court.

This judgment still stood, and must be regarded as final, not being appealed from.

Appeal dismissed with costs.

BOYD, C.

OCTOBER 23RD, 1916.

*RE SMITH.

*Executors—Compensation for Services—Commission on Receipts—
Allowance for Carrying on and Managing Business of Testator
until Sold—Solicitor-executor—Professional Services—Trustee
Act, R.S.O. 1914 ch. 121, sec. 67—Costs.*

Appeal by Mrs. Smith, one of the executors and the principal beneficiary under the will of her deceased husband, from an order made by one of the Judges of the Surrogate Court of the County