

Chan. Div.]

NOTES OF CANADIAN CASES.

[Chan. Div.]

Held, that he was properly placed upon the list of contributories.

TURNER'S CASE.

T. signed a power of attorney to C. to subscribe for twenty shares of stock and delivered it to him on the understanding that it was not to be used except he became a director of the company. C. directed the accountant to enter T.'s name in the stock ledger as a stockholder, which was done. Blotting pads were issued and an advertisement published in a newspaper and a return made to the government with T.'s name inserted as a director in the two former and as a member in the latter, but no board was ever formed with T. as a director. T. swore that he never saw the pads, advertisement or returns, and that he did not know his name was in any of them, and on receipt of a notice claiming a five per cent. call he at once repudiated all liability.

Held, that as T. made it a distinct stipulation that unless he was made a director the power of attorney was not to be used, he made such a stipulation a condition precedent to his becoming liable as a shareholder, and that the circumstances brought the case within the line of cases of which *In re National Equitable Provident Society*, Wood's case L. R. 15 Eq. 236 is an example, and that T.'s name must be removed from the list of contributories.

FINDLAY'S CASE.

Held, that F. was not properly a contributory on the same grounds and principle as in Turner's case.

BARBER'S CASE.

B. signed a power of attorney to subscribe for stock under the same circumstances as Turner, but was asked by letter to fix the time to suit himself to pay the ten per cent. call, and he added to the power a clause that the ten per cent. was to be payable in one year from date. He was also notified by the secretary of the company that he was a shareholder, and a notice of a meeting was sent to him. There was no evidence to show that he made his becoming a director a condition precedent to his becoming a shareholder.

Held, that the entry by the accountant of

B.'s name as a stockholder was equivalent to an entry by C. to whom the power was given and was no delegation of any discretionary power, but a mere ministerial act.

Held, also following *National Insurance Co. v Egleson* 29 Gr. 406 that it was not material that the name was not entered in the subscription book or that there was no specific allotment of stock, and that B. was properly placed on the list of contributories.

COPP, CLARKE & CO.'S CASE.

This case was somewhat similar to Barber's case but there was an understanding that the calls were to be paid in work, and \$100 worth of work was so done and credited in the books of the company, and C. C. and Co. printed the pads, saw the advertisement in the paper and received notices of calls.

Held, that C. C. and Co. were properly placed on the list of contributories.

CASTON'S CASE.

C. signed the power of attorney on the understanding that he was to be solicitor of the company in Toronto, and that he was to pay no cash on his stock but to get credit for his services. A certificate that he was a holder of ten shares was sent to him, and was in his possession for some years, and he was appointed solicitor under the seal of the company, received notices of meetings and calls and did not expressly repudiate his liability.

Held, that C. who was a professional gentleman, and should have known that it was necessary to have his shares cancelled, was properly placed upon the list of contributories.

Lash, Q.C., and *A. C. Galt*, for the appellants.

Bain, Q.C., for the liquidators.

Laidlaw, for the company.

Boyd, C.]

[Dec. 17, 1884.]

RE KERR, KERR V. KERR.

Will—Testator's estate to be valued by executors—
Certain of the beneficiaries consulted as to valuers
to exclusion of others.

A testator provided in his will that on the death of his widow his executors, who were two of his children, should have his farm valued, and gave permission to his son E. to take the