

will was in the possession of the Bank; (2) that in the case of the families of three of the testator's children notice of the substitution of grandchildren was contained in the transfers by the executors registered in the Bank's books in April 1871; and (3) that William Molson, the testator's brother and one of the executors, was President of the Bank, while Mr. Abbott, the law agent of the executors, was also the Bank's law agent, and as both of these gentlemen must be taken to have been fully aware of the detailed provisions of the testator's will, the Bank through them, as its officers, had full knowledge of the trust. It is clear, however, that these facts are quite insufficient to prove the alleged notice.

The evidence does not clearly show how the Bank came into possession of the copy of the testator's will, which was produced by Mr. Elliott, the local manager. It may have been left with the Bank, as evidence of the title of the executors to receive the dividends on the shares which were paid to them from the first after the testator's death, or it may have been given to the Bank six years afterwards when the executors desired to have their title as owners by transmission registered in the Bank's books. It appears that on this last occasion a notarial declaration of the executors' title, which has not been produced, was presented to the Bank, in compliance with the provisions of their Charter, and the probability is that the copy of the will was then given to the Bank as evidence of the executors' right to have the shares transferred to them. The production of the will or probate at that time would be in accordance with the usual practice, which entitles the Bank to require evidence by production of the title in virtue of which the entry of any transfer of shares in the Bank's books is asked. But the only question with which the Bank were concerned was that of legal title. They had to satisfy themselves only that the will gave a right to the shares which entitled the executors to be registered as owners. They were not called upon, on an application to enter a transfer by transmission of the Bank's shares, to examine the will with reference to an entirely different matter which did not concern them, viz. the testator's directions as to the ultimate destination and disposal of his estate; and there is no reason to suppose that anything more was done on this occasion than is usual in such cases. Again, the entries of transfers in favour of other members of the testator's family, in terms differing from that in favour of Alexander