

It might be that Mr. Lyell did not mean that the arena should not be utilised during the present winter. However that might be, the trusts corporation were justified in applying for the appointment of a receiver.

If the applicants held a valid contract for the use of the arena during the approaching season, it would, no doubt, subsist as against the receiver just as it would if a receiver had not been appointed. As creditors, the applicants were in no way prejudiced.

The motion should be dismissed with costs.

LATCHFORD, J.

DECEMBER 10TH, 1920.

RE MURRAY.

Church—Legacy for Benefit of—Amalgamation of Congregation with that of another Church—Transfer of Security Representing Legacy to Trustees of Amalgamated Bodies.

Application by the National Trust Company, as executors and trustees under the will of James Murray, deceased, for an order determining whether the company would be justified in assigning a certain mortgage for \$4,000, held in trust by the deceased for Erskine Church, to P.M. Macdonald, or to the managing board of St. Paul's Presbyterian Church, of which he was pastor.

The motion was heard in the Weekly Court, Toronto.

J. A. Paterson, K.C., for the executors.

W. G. Thurston, K.C., for the executors of Ann Jane McBurney.

R. B. Beaumont, for the McBurneys.

George Wilkie, for St. Paul's and Erskine Churches.

LATCHFORD, J., in a written judgment, said that the late Ann Jane McBurney bequeathed part of the residue of her estate, amounting to \$2,687.07, to the pastor for the time being of Erskine Presbyterian Church in Toronto, to be applied by him for the general purposes of the church, as to him might seem best for advancing the principles and work of the said church.

The legacy was paid to Dr. Murray, and, with other funds, including another legacy of \$1,000 given to the church, was invested by Dr. Murray in the mortgage referred to.

In April, 1915, before the mortgage investment was made, the congregation of Erskine Church united with that of St. Paul's, and thereafter ceased to exist as a separate entity, but the church