

LOGIE, J., IN CHAMBERS.

MAY 20TH, 1919.

## RE CONSOLIDATED ORDERS (1916) RESPECTING TRADING WITH THE ENEMY.

*Trading with the Enemy—Properties Vested in Receiver-General for Canada—Order of Judge in Chambers—Costs of Debtors—Discretion.*

Motion by the Secretary of State for Canada for orders vesting certain properties in the Minister of Finance and Receiver-General for Canada as custodian and conferring upon the custodian certain powers to deal with the properties vested.

Christopher C. Robinson, for the applicant.

A. J. Thomson, for the National Trust Company.

T. R. Ferguson, for R. S. Baker.

Glyn Osler, for the Mexican Power and Light Company.

Frank McCarthy, for the Canada Life Assurance Company.

LOGIE, J., made the orders as asked, and said that, after consultation with some of the other Judges, he had come to the conclusion that he should not direct costs to be paid to solicitors or counsel appearing for the debtors—by way of deduction or otherwise—even if he had power to do so, which he did not decide.

The object of the Government being to safeguard the debts in question, it was inadvisable, as a matter of discretion, to complicate future adjustment of enemy debts with enemies, by any question of possible retaliatory costs in enemy Courts against Canadian citizens who might be debtors to an enemy.

Any costs incurred were such as might reasonably be incurred between solicitor and client; and, should there be any special claim, counsel for the Government had undertaken to make representations to the proper department for such action as might seem just.

The orders should issue without costs being payable to any of the solicitors or counsel for the debtors.