

R.S.O. 1897, ch. 51, sec. 58, sub-sec. 9, 3 Geo. V. (Ont.), ch. 19, R.S.O. 1914, ch. 56; R.S.M. 1902, ch. 40, sec. 39, sub-sec. o; R.S.M. 1913, ch. 46; R.S.S. 1909, ch. 52, sec. 31, sub-sec. 8; Laws Declaratory Act, R.S.B.C. 1911, ch. 133, sec. 2, sub-sec. 29.

Although receivers are more readily appointed than before the passing of the Judicature Act, and certain inconvenient rules formerly observed have been relaxed, yet the principles on which the jurisdiction of Courts of Chancery rested are still applied: *Holmes v. Millage*, [1893] 1 Q.B. 551. The Ontario Judicature Act does not confer jurisdiction to appoint receivers in cases where previously no Court possessed power to do so: *O'Donnell v. Faulkner*, 1 O.L.R. 21. Such Act was intended to confer on all Courts that jurisdiction which, under the designation of equitable jurisdiction, was previously exercised by Courts of Chancery: *Re Asselin and Cleghorn*, 6 O.L.R. 170. And the power thus conferred is not an arbitrary or unregulative one: *Harris v. Beauchamp*, [1894] 1 Q.B. 801. Under the Judicature Act, the rule is that a receiver will be appointed whenever it is just and convenient; or where it is practicable and is required in the interest of justice: *Edwards v. Picard*, [1909] 2 K.B. 903. But a receiver will not be appointed unless the party requesting it makes out a *prima facie* title to or interest in the property in dispute: *Leney & Son v. Collingham*, [1908] 1 K.B. 79; *Whitley v. Challis*, [1892] 1 Ch. 64; or unless the probabilities are that the appointment will be effectual and useful: *Edwards & Co. v. Picard*, [1909] 2 K.B. 903; *Wills v. Luff*, 38 Ch.D. 197; *Mercantile, etc., Trust Co. v. River Plate, etc., Co.*, [1892] 2 Ch. 303; *Re Knott End Railway Act*, [1901] 2 Ch. 8. And a receiver will not be appointed unless it is reasonably certain that benefit will follow therefrom. *Re Asselin and Cleghorn*, 6 O.L.R. 170. A receiver of the tolls of a company will be appointed at the suit of a city that has, under statutory authority, lent the company money in the form of city debentures, the city having redeemed the debentures and proceeded against the company to compel payment, or to foreclose its interest under its act of incorporation: *Brantford v. Grand River Nav. Co.*, 8 Gr. 246. The powers of the Courts in the several provinces of Canada in respect to the appointment of liquidators, receivers and managers are, in the main, now regulated by statute.

In mortgage cases.

Since the Judicature Act a receiver will be appointed of property which is subject to both a legal and equitable mortgage, although mixed, and the whole comprised in one security: *Pease v. Fletcher*, 1 Ch. D. 273. Without making a prior mortgagee, who has the legal title, a party to the proceedings, a receiver will be appointed at the instance of an equitable mortgagee where a mortgagor is in possession of encumbered property, irrespective of the sufficiency of the security: *Aikins v. Blain*, 13 Gr. 646. Like wise a receiver will be appointed where a mortgagee is prevented by the mortgagor from taking possession under his mortgage: *Truman v. Red-*