

## DIVISIONAL COURT.

NOVEMBER 7TH, 1912.

FEBRUARY 8TH, 1913.

## WILEY v. TRUSTS AND GUARANTEE CO.

4 O. W. N. 829.

*Judgment—Minutes of Settling.*

DIVISIONAL COURT settled order as drafted by registrar upon judgment herein, 22 O. W. R. 625.

Motion to vary and settle minutes, of judgment, the reasons for judgment in this case being found in 22 O. W. R. 625 *sqq.*

The motion in Divisional Court was heard by HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B., HON. MR. JUSTICE BRITTON and HON. MR. JUSTICE RIDDELL.

M. Lockhart Gordon, for the motion.

W. J. Elliott, contra.

HON. MR. JUSTICE RIDDELL (7th November, 1912):—In settling the judgment the Registrar provided for cancelling the registration of the conveyances—and that was proper. But complaint is made as to two points, one material, the other of trifling importance.

It must be obvious that if the registration were to be annulled with nothing further, the vendor might effectively dispose of the land, leaving the trustees without any but a personal remedy. This would not do. The only reason for cancelling the registration is the agreement on the part of the trustees to hold the transfers unregistered unexplained and to me inexplicable to my mind as the agreement was—and it may be added perilously near to a breach of trust as well.

But the trustees are not to be put in further peril through their ill advised act.

The second point is equally plain—the transfers must be handed to the trustees.