

action in reference to that property. It was the defendant's act that deprived the plaintiff of his property. The conversion was by the defendant, and he should not escape liability by reason of any mistake in acting upon the supposition that there were assets sufficient to pay the judgment.

Reference to *Quebec Jacques Cartier Electric Co. v. The King* (1915), 51 S.C.R. 594.

Order made correcting the judgment as asked. No costs of the motion.

MIDDLETON, J.

SEPTEMBER 6TH, 1916.

\*HEROLD v. BUDDING.

*Execution—Enforcement against Company-shares Beneficially Owned by Debtor—Company with Head Office out of Ontario—Receivership—Interim Order—Notice to Debtor—Charging Order—Judicature Act, secs. 140, 141—"Public Company in Ontario"—Execution Act, secs. 12, 13, 17—Equitable Execution—Powers of Receiver—Right to Sell—Application to Amend Receiving Order.*

Motion by a judgment creditor, ex parte, for an order amending an order made by MIDDLETON, J., on the 26th June, 1916.

The plaintiff, having an unsatisfied judgment against the defendant for the recovery of a sum of money, and learning that the defendant was the beneficial owner of certain shares in the Canadian Pacific Railway Company, a company having its head office at Montreal, moved for a receiver in aid of execution, the shares standing in the names of brokers, who held the certificates.

Upon that motion, MIDDLETON, J., made the order now sought to be varied, appointing a sheriff receiver. The learned Judge's intention was, that the order should be merely an interim order, to be followed by a final order, on notice to the debtor, but the order was issued as a final order.

The variation sought was the addition of a direction to the receiver to sell the shares.

The application was heard in the Weekly Court at Toronto.  
J. M. Ferguson, for the applicant.

MIDDLETON, J., in a written judgment, said that the omission of a direction to sell was not a clerical error or oversight. Shares