

PRACTICE—SERVICE OUT OF JURISDICTION—ACTION FOR EXECUTION OF TRUSTS—
NO PROPERTY WITHIN JURISDICTION—ORD. XI., R. 1 (D) (ONT. RULE 271 (D)).

In *Winter v. Winter*, (1894) 1 Ch. 421, Stirling, J., set aside the service of a writ out of the jurisdiction on the ground that the court had no jurisdiction to allow the service. The action was brought for the administration of the trusts of a settlement. The trust property originally consisted of a sum of consols, but previous to the action the defendant had sold out the consols, and had left England. At the time the action was brought there was no trust property within the jurisdiction, and therefore the case was not within Ord. xi., r. 1 (d) (Ont. Rule 271 (d)), which is confined to cases where the trust property is within the jurisdiction: and it is not enough to satisfy the Rule that the trust property ought to be, or, if the trusts were duly executed, would be, within the jurisdiction.

TRUSTEES—CUSTODY OF TITLE DEEDS—BUILDING ESTATE—CONVERTIBLE SECURITIES HELD IN TRUST, CUSTODY OF.

In *Field v. Field*, (1894) 1 Ch. 425, the plaintiff who was a *cestui que trust*, applied for an injunction to restrain his trustees from permitting the title deeds of the trust estate to remain in the custody of their solicitors. But it appearing that the trust property was a building estate, concerning which there were transactions constantly in progress needing a reference to the deeds, Kekewich, J., declined to make any order, there being no suggestion that the solicitors were not, in any other respect, fit and proper persons to have the custody of the deeds. He, however, intimated that in the case of securities payable to bearer the trustees should keep them under their own control, and not leave them in the control of their solicitors or any other agents: but that in the case of title deeds they have a discretion to leave them in the hands of solicitors when the exigencies of the trust require it, but where there is no such necessity they should keep them under their own control.

B. N. A. ACT, s. 91, s-s. 15; s. 92, s-s. 13—DOMINION BANK ACT (R.S.C., c. 120)—WAREHOUSE RECEIPTS.

In *Tennant v. The Union Bank*, (1894) A.C. 31, the Judicial Committee of the Privy Council have affirmed the decision of the Court of Appeal (19 R. App. 1.), and in doing so discuss the effect of Dominion and Provincial legislation bearing on the