

Plaintiff is entitled to a mandatory order for the delivery by defendant of the mortgage in question.

Defendant must pay costs, but, as I think some of the difficulty between the parties has arisen by reason of one solicitor acting to some extent for both parties, and upon all the circumstances, . . . I fix the costs down to date at . . . \$100. The subsequent costs of entering judgment, etc., if that be necessary, will be paid by defendant to plaintiff.

BRITTON, J.

JULY 2ND, 1907.

TRIAL.

LOGAN v. DREW.

Trusts and Trustees—Assignment of Mortgages by Father to Daughters—Alleged Trust in Favour of Assignor or all His Children—Action by Assignee of Father for Declaration of Trust—Parties—Addition of Assignor—Failure of Evidence to Establish Trust—Absence of Fraud—Champerly.

Action by William J. Logan, as assignee of the claim of his father, John Logan, for a declaration that certain assignments of mortgages made by John Logan to two of his daughters, the defendants, were made to them as trustees for him (John Logan) or for the plaintiff and the other children of John Logan.

T. G. Meredith, K. C., for plaintiff.

A. Weir, Sarnia, for defendants.

BRITTON, J.:—John Logan, a man of about 75 years of age, with his faculties about him, is the father of the plaintiff and one other son, and of the defendants and 4 other daughters. He was the owner of the mortgages set out in the statement of claim and of a house and lot in the township of Sarnia. He was twice married. His first wife died in June, 1900, or 1901, and he married his second wife in June, 1905, and there promptly followed separation, and her alimony action was begun on 12th September, 1905. It is in evidence, in a general way, that there were unhappy dif-