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TORONTO, APRIL 3, 1912.

No. 29.

HIGH COURT OF JUSTICE.

SUTHERLAND, J.

MARCH 22ND, 1912.

GILROY v. CONN.

*Receiver—Equitable Execution—Legacy—Claim against Estate
— Cross-claim of Estate against Legatee—Right of Re-
ceiver to Contest—Security for Costs—Executors Served
with Notice of Motion—Costs of Executors.*

Motion by the plaintiff to continue an injunction granted and a receiver appointed by an order made ex parte, on the 26th February, 1912.

W. D. McPherson, K.C., for the plaintiff.

H. D. Gamble, K.C., for the defendant.

F. E. Hodgins, K.C., for the executors of the defendant's father.

SUTHERLAND, J.:—The applicant is a judgment creditor; and the defendant (the judgment debtor) is said to be entitled to a legacy under the will of his father, Meredith Conn, deceased. The order restrains the defendant from dealing in any way with the legacy, and appoints the plaintiff receiver thereof. Upon the facts disclosed in the material filed in support of the application, I think the plaintiff is entitled to an order continuing him as receiver. I, therefore, order and direct that he be continued as receiver, without remuneration and without security, of any and all legacies to which the defendant is or may be entitled under the will of Meredith Conn, deceased, to the extent of the plaintiff's judgment and costs, including the costs of the application for the order and of this application, which costs when taxed the plaintiff shall be at liberty to add to his claim.

The plaintiff directed the notice of motion to the executors of the will of Meredith Conn, deceased, as well as to the defend-