MIDDLETON, J.   NOVEMBER 27TH, 1915.

*RE FENWICK.

Executors and Administrators—Intestate Domiciled in Foreign Country—Letters of Administration Issued by Court of Domicile—Limited Letters Issued in Ontario in Respect of Shares in Ontario Company—Claim against Intestate and Estate to Ownership of Shares—Issue as to Ownership— Forum—Supreme Court of Ontario—Jurisdiction—Title to Property Situated in Ontario.

Motion by the National Trust Company, administrators in Ontario of the estate of George G. Fenwick, deceased, upon originating notice, for an order directing the trial of an issue in the Supreme Court of Ontario to determine the title to certain shares of the capital stock of the Ford Motor Company of Canada, and to the proceeds of certan other shares of the same stock now in the hands of the administrators.

The intestate was domiciled and resident in the city of Detroit, in the State of Michigan. At the time of his death, he was the holder of 64 shares of the stock mentioned. Letters of administration were issued to the Detroit Trust Company by the Probate Court of the County of Wayne; and subsequently, for the purpose of enabling the shares mentioned to be effectively dealt with, letters of administration, limited to the property of the deceased within Ontario, were issued to the applicants.

Rachel Eby claimed the ownership of 32 of the 64 shares, and also claimed part of the proceeds of the other 32 shares, already sold. This claim was resisted by those beneficially interested in the estate of the intestate.

The motion was heard by MIDDLETON, J., in the Weekly Court at Toronto.

W. E. Raney, K.C., for the applicants.

E. C. Cattanach, for Rachel Eby.

H. E. Rose, K.C., and J. L. Ross, for beneficiaries.

MIDDLETON, J., said that the cases relied upon were all collected in In re Trufort (1887), 36 Ch. D. 600; but neither that case nor any of the cases there cited dealt with the problem here presented: in all of them, the claim which was relegated to the adjudication of the Courts of the domicile was a claim arising