

RE SMITH—LENNOX, J.—MAY 26.

Trusts and Trustees—Appointment of New Trustee—Consent of Beneficiaries—Dispensing with Security.—Application for an order appointing a new trustee of the estate of John Smith, deceased. The motion was heard in the Weekly Court, Toronto. LENNOX, J., in a written judgment, said that the two executor-trustees were dead, and the residue of the property was worth about \$5,000. Juliet Blanche Smith, the owner of three-fifths of the estate, consented to the appointment of John S. Holman as trustee. Holman himself was the owner of one-tenth of the estate. Rebecca Gordon also owned one-tenth, and consented. Hugh Pearsal owned one-fifth, and consented. This must mean that they did not wish that Holman should be required to give security. The purpose was to wind up the estate immediately. Holman had been acting for the executors, and was familiar with the property. An order should issue appointing Holman trustee without security. H. D. Gamble, K.C., for the applicant.