and Ingersoll Electric Railway Company to the plaintiff company, in lieu of the plaintiff company.

M. H. Ludwig, K.C., for the plaintiffs.

W. T. McMullen, for the bondholders other than the defendants.

Grayson Smith, for the defendants.

LENNOX, J.:—The total issue of bonds under the mortgage amounts to $140,000; $27,000 of these bonds are held by the defendants, and $96,800 are held by bondholders represented by Mr. Ludwig and Mr. McMullen, who have signed consents to the appointment of Mr. Wallace as trustee. The other bondholders did not appear, and I appointed Mr. McMullen to represent them.

The mortgage contains provisions for the resignation of the trustees and the appointment of a trustee in their place. The Harrisburg Trust Company have tendered their resignation and refuse to act further as trustees of the mortgage; and there is no suggestion from any quarter that an effort should be made to retain them in the execution of the trusts. To appoint a new trustee under the provisions of the mortgage would be exceedingly inconvenient, if not impracticable or impossible, and in the end would result in the appointment I propose to make. I have power to make the appointment, I think, as a matter of inherent jurisdiction, as well as under the Trustees and Executors Act. Counsel for the defendants company insists that a trust company should be appointed; and, as a rule, I think that such an appointment is to be preferred to the appointment of private persons. I have come to the conclusion, however, that in this instance it may be more in the interest of all parties that Mr. Wallace, who is exceedingly familiar with the affairs of the railway undertaking, resides in Woodstock, is a bondholder to a large amount, and is acceptable to the majority of bondholders, should be appointed.

There will be an order approving and accepting the resignation of the Harrisburg Trust Company as trustees and appointing James Gamble Wallace, of the city of Woodstock, King's Counsel, trustee in their stead, upon his giving security, to the satisfaction of the Junior Registrar of this Court, for the faithful performance of the trusts; and there will be reserved in the order the right of any bondholder hereafter to apply to have