

specified commission. Youngberg had a private account and also a firm account at the Rosthern branch of the defendant bank, from which the currency was to be furnished; these accounts were frequently overdrawn, and the bank's agent, knowing the purpose for which the currency was to be furnished for the plaintiffs, placed the amount of several drafts drawn by Youngberg on the plaintiffs to the credit of Youngberg's private, or firm, account with the result that the money was misapplied. Galt, J., who tried the action, held that the bank was liable for all sums so placed to Youngberg's private or firm accounts. The Court of Appeal directed a reference to ascertain what damage the plaintiffs had actually sustained by the bank's action, but the Judicial Committee of the Privy Council (Lords Haldane, Finlay and Phillimore) have restored the judgment of Galt, J., their Lordships being of the opinion that the Court of Appeal should have treated the claim as one for the replacement of trust funds and not for damages. Their Lordships intimate that perhaps the bank might be entitled to some relief in possible proceedings against the present plaintiffs and Youngberg, to which Youngberg's assignee in insolvency might be a necessary party, but that on the present record no such relief could be given.

ALBERTA — TAXATION — SUCCESSION DUTY — REGISTERED
MORTGAGE—PROPERTY IN PROVINCE—SUCCESSION DUTIES
ACT, 1914 (5 GEO V. c. 5, ALTA.), s. 7.

Toronto General Trusts Corp. v. The King (1919) A.C. 679. This was an action by the Crown in the Province of Alberta to recover succession duties in respect of a certain mortgage registered in that Province and owned by a deceased person at the time of his death in the Province of Ontario, where he had his domicile. The representatives of the deceased claimed that the mortgage debts were not property within the Province of Alberta, and that the situs of a specialty debt was where the document evidencing the debt happened to be, which they claimed was the Province of Ontario. The Judicial Committee of the Privy Council (Lords Haldane, Finlay, Cave, Dunedin, and Shaw) however, affirmed the judgment of the Supreme Court of Canada in favour of the plaintiff and held that, when a mortgage is made in duplicate, and one of the duplicates is registered in one Province and the other is found at the mortgagee's death in another Province, the situs of the debt cannot be properly said to be in both Provinces, but must rather be deemed to be in that Province according to whose laws the mortgage was created and by which laws also it would have to be enforced.