

estate. There are practically no debts. . . . The approval is required by sec. 16 of the Devolution of Estates Act, as amended by 63 Vict. ch. 17, sec. 17 (O.) . . . Where there are heirs or devisees not competent to concur, or competent to concur but who do not, the approval must be had. . . . This is a case in which the concurrence of all has not yet been sought, because of the delay and expense which that would cause. . . . On the facts of this particular case the proper course to be now pursued is for the official guardian to make the usual inquiries, and if no good reasons are advanced or discovered for withholding his approval, it should be given. Costs out of estate.

MEREDITH, J.

JULY 31ST, 1903.

WEEKLY COURT.

RE CANADIAN PACIFIC R. W. CO. AND ASSELIN.

Receiver—Equitable Execution—Property Sought to be Reached—Business Debts—Shares in Foreign Corporation—Life Insurance Policy.

Motion by Oscar Asselin, claimant in a carriers' interpleader, under sec. 58, sub-sec. 9, of the O. J. Act, for an order appointing him receiver of the estate of one Cleg-horn, against whom he had recovered judgment in the interpleader proceedings, for the purpose of realizing his debt.

W. J. Elliott, for the applicant.

W. N. Tilley, for the judgment debtor.

MEREDITH, J.:—The applicant's claim is, in effect, that he be appointed a sort of general assignee, for his own benefit only, of substantially all his debtor's property and earnings, and that the debtor be obliged to carry on business so that the applicant may have the earnings until his debt is satisfied. . . . The provision of the Judicature Act that a receiver may be appointed in all cases in which it shall appear to the Court to be just and convenient that such an order should be made, was intended, so far as it applies to such a case as this, merely to expressly confer upon all the Courts that jurisdiction which, under the designation of equitable execution, had before the fusion of law and equity been exercised by the Court of Chancery alone. See *Harris v. Beauchamp*, [1894] 1 Q. B.