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HIGH COURT DIVISION.

MIDDLETON, J.

MAY 25TH, 1918.

RE BECK TRUSTS.

Trusts and Trustees—Defaulting Trustee-company—Payment by Sureties of Amount Due to Trust Estate—Claim of Trustee against Life-tenants for Moneys Improperly Paid and Received—Subrogation—Right of Sureties—Liquidator of Trustee-company—Attornment to Jurisdiction of Ontario Court.

Motion by sureties for an order declaring that, on payment of the amount due by the executors, they were entitled to be subrogated to the right of the liquidator and beneficiaries to retain and receive the income of the life-tenants until the amount paid to them improperly had been reimbursed.

See *Re Beck Trusts* (1915-16), 9 O.W.N. 283, 10 O.W.N. 218; *Attorney-General for Ontario v. Railway Passengers Assurance Co.* (1917-18), 13 O.W.N. 247, ante 188.

The motion was heard in the Weekly Court, Toronto.

W. N. Tilley, K.C., for the sureties.

H. T. Beck, for the trustees and life-tenants.

Casey Wood, for the liquidator of the Dominion Trust Company.

MIDDLETON, J., in a written judgment, said the right of the sureties was so plain that, once the facts were understood, there did not seem room for argument.

There was one trust fund in respect of which the two ladies, Doris and Helen Beck, were entitled to income only.