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HON. SIR G. FALCONBRIDGE, C.J.K.B. NOV. 17TH, 1913.

RE CONSOLIDATED GOLD DREDGING & POWER CO.

5 O. W. N. 346.

Trusts and Trustees — Application for Delivery of Securities by Trustees—Trustee Act—Jurisdiction of Court.

FALCONBRIDGE, C.J.K.B., *held*, that the Court had no jurisdiction, under the Trustee Act, to order trustees to hand over certain securities and papers to a party to the trust deed.

The Western Canada Securities Company applied for an order under the Trustee Act directing the Union Trust Company to deliver over certain securities and title papers, and an order was granted accordingly by the Chief Justice of the King's Bench, but before it was issued the Union Bank of Canada asked to have the matter re-opened, whereupon it was again argued and the Chief Justice re-opened the order and dismissed the original application, his reasons for judgment being set out below.

H. Cassels, K.C., for Union Bank of Canada.

R. C. Levesconte, for Western Canada Securities Co.

D. C. Ross, for the Union Trust Co.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—It now appears that the agreement in question was not signed by Davidson until after he had pledged the bonds with the bank. My judgment, therefore, was founded on a mis-statement (I do not say a wilful mis-statement), of facts. But further consideration satisfies me that when I thought I could make an order under the Trustee Act, I had not the provisions of the Statute sufficiently in my mind. I am now of the opinion that the statute is inapplicable and this motion is therefore misconceived and must be dismissed with costs.