

RE BACQUE TRUSTS—ROSE, J.—SEPT. 20.

Trusts and Trustees—Purchase of Residence for Cestui que Trust—Departure from Terms of Trust Deed—Consent of all Persons Interested—Declaration—Costs.]—Motion by Mrs. H. A. Bacque for a direction to the Toronto General Trusts Corporation, trustees, to purchase a residence for the applicant in Newmarket. The motion was heard in the Weekly Court, Toronto. ROSE, J., in a written judgment, said that the trust deed authorised the trustees to purchase a residence, in Toronto, for the use of Mrs. Bacque. Mrs. Bacque had requested them to purchase one in Newmarket instead; and her two children, who appeared to be the only other persons interested in the trust property, joined in the request. The trustees, however, were unwilling to deviate from the course laid down in the trust deed, without some direction from the Court. It was said that they would be satisfied with a declaration that, if they were furnished with a document sufficiently evidencing the consent of all the cestuis que trust, they might safely do what was requested. Such a declaration might be made. It did not seem to be a very necessary one, but the cestuis que trust had consented to the payment of the costs out of the trust fund, and the order might provide accordingly. J. F. Edgar, for the applicant. E. T. Malone, K.C., for the trustees.