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are not entitled in this case to the expense of packing, as that would have been necessary if the contract had been carried out, nor to the incidental expense of travelling to North Bay to take the order.

The \$50 should, therefore, be deducted from the \$511.40, and judgment should be entered for \$461.40, with County Court costs, without a set-off.

Re FENWICK.

Ontario Supreme Court, Middleton, J. November 27, 1915.

EXECUTORS AND ADMINISTRATORS (§ VI—130)—*Property of intestate domiciled in foreign country—Ancillary administration—Title to company-shares—Situs—Jurisdiction as to—Sale.*—Application by administrators for an order to determine the title to certain shares of stock.

W. E. Raney, K.C., for the administrators.

E. C. Cattnach, for Rachel Eby, claimant.

H. E. Rose, K.C., and J. L. Ross, for beneficiaries.

MIDDLETON, J.:—The late George G. Fenwick was domiciled and resident in the State of Michigan. At the time of his death, he was the holder of 64 shares of stock in the Canadian Ford Company. Letters of administration were issued to the Detroit Trust Company by the Probate Court of the County of Wayne; and subsequently, for the purpose of enabling the stock in the Ford Motor Company of Canada to be effectively dealt with, letters of administration, limited to the property of the deceased within the Province of Ontario, were issued to the National Trust Company. Claim is now made by Mrs. Rachel Eby to the ownership of 32 of the 64 shares of stock, and she also claims to be entitled to receive part of the proceeds of the 32 shares already sold. This claim, no doubt made in good faith, is resisted by those beneficially interested in the estate of the deceased. . . .

The cases relied upon are all collected in *In re Trufort* (1887), 36 Ch. D. 600; but neither that case nor any of the cases there cited deal with the problem here presented; for in all of them the claim which was relegated to the adjudication of the Courts of the domicile was a claim arising with respect to the estate of the deceased, made by some one claiming title under him. The claim here is a claim against the deceased and against his estate.