

MIDDLETON, J.

APRIL 18TH, 1913.

## RE NORTHERN ONTARIO FIRE RELIEF FUND TRUSTS.

*Trusts and Trustees—Relief Fund—Surplus in Hands of Committee of Subscribers—Disposition of—Erection of Hospitals—Terms and Safeguards.*

Motion by the trustees of the fund for an order determining the disposition of a surplus remaining in their hands after payment of all claims in respect of the purposes for which the fund was primarily contributed.

A. C. McMaster, for the trustees.

H. E. Rose, K.C., for the Corporation of the Township of Tisdale, for the Dome Mines Limited, for the South Porcupine Board of Trade, and for the Corporation of the Township of Whitby.

S. A. Jones, K.C., for the Corporation of the Town of Cochrane, for the Cochrane Board of Trade, and for the Cochrane Hospital Board.

J. B. Holden, for the mine-owners at Porcupine.

J. C. Cartwright, K.C., for the Attorney-General.

MIDDLETON, J.:—In July, 1911, a disastrous forest fire took place in Northern Ontario, extending over the whole territory known as the Porcupine district and for many miles north, covering the Cochrane district. An appeal was made for contributions to relieve the sufferings thereby occasioned, and, in the result, \$56,590 was received by the committee. After all proper claims had been met, there remains in the hands of the committee a balance of about \$18,000.

The committee has devoted much time and energy to the consideration of the purpose to which this sum should be applied, and various resolutions have been from time to time passed, and much negotiation has taken place with those concerned, looking to the propounding of some satisfactory scheme. During the course of these negotiations, there has been some fluctuation of opinion on the part of the committee. In the result, no scheme satisfactory to all parties has been evolved, and the matter is placed before the Court, upon notice to those more particularly concerned; the trustees by their counsel desiring to take a position of neutrality.

Mr. Gourlay, one of the trustees, expressed his own view—possibly shared by his colleagues—that the fund ought to be distributed by allotting two-fifths in aid of an institution or