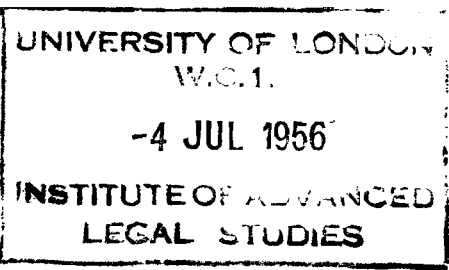


17, 1955

43558



~~ECI. 0. 16~~

Record.

In the Privy Council.

No. 20 of 1953.

**ON APPEAL FROM THE SUPREME COURT OF CANADA**

IN THE MATTER of the ESTATE of HERBERT COPLIN COX, deceased  
AND

IN THE MATTER of the TRUSTEE ACT, R.S.O. Ch. 165, Sec. 59  
AND

IN THE MATTER of the JUDICATURE ACT, R.S.O. Ch. 100, Sec. 106 and  
Rule 600 of the Rules of Practice and Procedure passed pursuant  
thereto.

BETWEEN

EDWIN G. BAKER (Respondent to Originating Motion) ... *Appellant*

10

AND

NATIONAL TRUST COMPANY, LIMITED (Applicant on Originating Motion), THE BOARD OF DIRECTORS OF THE CANADA LIFE ASSURANCE COMPANY, MARGARET JANE ARDAGH, WILLIAM BURT SHEPARD, THE OFFICIAL GUARDIAN FOR THE PROVINCE OF ONTARIO and THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO (Respondents to Originating Motion) ... .. *Respondents*

— AND BETWEEN —

20 THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO (Respondents to Originating Motion) ... *Appellant*

AND

NATIONAL TRUST COMPANY, LIMITED (Applicant on Originating Motion), THE BOARD OF DIRECTORS OF THE CANADA LIFE ASSURANCE COMPANY, EDWIN G. BAKER, MARGARET JANE ARDAGH, WILLIAM BURT SHEPARD, THE OFFICIAL GUARDIAN FOR THE PROVINCE OF ONTARIO (Respondents to Originating Motion) ... .. *Respondents*

30

— AND —

IN THE MATTER of the ESTATE of LOUISE BOGART COX deceased.

AND

IN THE MATTER of the TRUSTEE ACT, R.S.O. Ch. 165, Sec. 59

AND

IN THE MATTER of the JUDICATURE ACT, R.S.O. Ch. 100, Sec. 106 and Rule 600 of the Rules of Practice and Procedure passed pursuant thereto

BETWEEN

EDWIN G. BAKER (Respondent to Originating Motion) ... *Appellant*

AND

NATIONAL TRUST COMPANY, LIMITED (Applicant on Originating Motion), THE BOARD OF DIRECTORS OF THE CANADA LIFE ASSURANCE COMPANY, WILLIAM BURT SHEPARD, THE OFFICIAL GUARDIAN FOR THE PROVINCE OF ONTARIO, THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO and LIDA LOUISE SHEPARD (Respondents to Originating Motion) ... *Respondents*

— AND BETWEEN —

THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO (Respondent to Originating Motion) ... *Appellant*

AND

NATIONAL TRUST COMPANY, LIMITED (Applicant on Originating Motion), THE BOARD OF DIRECTORS OF THE CANADA LIFE ASSURANCE COMPANY, EDWIN G. BAKER, ~~MARGARET JANE ARDAGH~~, WILLIAM BURT SHEPARD, THE OFFICIAL GUARDIAN FOR THE PROVINCE OF ONTARIO and LIDA LOUISE SHEPARD ... *Respondents.*

(Consolidated Appeals.)

**CASE for the Respondent National Trust Company Limited and the Respondent Board of Directors of the Canada Life Assurance Company**

1.—These Respondents adopt as part of their case paragraphs 1 to 21 (inclusive) of the Case of the Appellant Edwin G. Baker as though such paragraphs were repeated here.

2.—The Respondent National Trust Company Limited has no interest in the subject matter of these appeals otherwise than as surviving administrator with the Will and Codicil annexed of the Estate of the Testator and surviving trustee of his said Will and Codicil, and as the surviving executor and trustee of the Will of the Testatrix.

3.—The Respondent Board of Directors of the Canada Life Assurance Company has no interest in the subject matter of these appeals otherwise than as a body in which by the terms of the Wills of the Testator and Testatrix, if the bequests, the subject matter of these appeals, are valid, certain discretionary powers are vested and save in so far as the establishment of the validity of the said bequests might incidentally or indirectly benefit the Canada Life Assurance Company for the well-being of which the Respondent Board of Directors of the Canada Life Assurance Company is responsible.

- 10 4.—These Respondents do not desire to be heard in argument upon these appeals and will submit to whatever order Her Majesty in Council may think fit to make in the premises, humbly submitting that provision should be made for their costs.

DENYS B. BUCKLEY.

In the Privy Council

No. 20 of 1953.

ON APPEAL FROM THE SUPREME COURT OF  
CANADA.

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Re HERBERT COPLIN COX, deceased

AND

Re LOUISE BOGART COX, deceased

AND

Re THE TRUSTEE ACT, R.S.O. Ch. 165, Sec. 59

AND

Re THE JUDICATURE ACT, R.S.O. Ch. 100,  
S. 106 and Rule 600 of the Rules of  
Practice and Procedure passed pursuant  
thereto.

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BAKER

v.

NATIONAL TRUST COMPANY, LIMITED  
AND OTHERS

AND

THE PUBLIC TRUSTEE FOR THE  
PROVINCE OF ONTARIO

v.

NATIONAL TRUST COMPANY, LIMITED  
AND OTHERS.

CASE

of the Respondent National Trust  
Company Limited and the Respondent  
Board of Directors of  
the Canada Life Assurance Company

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SLAUGHTER AND MAY,

18, Austin Friars,

E.C.2.

*Solicitors for National Trust Company Limited  
and the Board of Directors of the Canada Life  
Assurance Company.*