

1897
 *Nov. 9.

BAYNE ET AL. v. THE EASTERN TRUST COMPANY ET AL.

Trustees—Misappropriation—Surety—Knowledge by cestui que trust—Estoppel—Parties.

APPEAL from the judgment of the Supreme Court of Nova Scotia (*sub nomine Eastern Trust Co. v. Forest et al.*) (1) *en banc* affirming the decision of Mr. Justice Meagher at the trial (1) in favour of the plaintiffs.

After hearing counsel for both parties the court dismissed the appeal for the reasons given in the court below but without delivering any judgment in writing.

Appeal dismissed with costs.

Ross Q.C. for the appellants.

McInnes for the respondent.

*PRESENT :—Sir Henry Strong C.J. and Taschereau, Sedgewick, King and Girouard JJ.