

BOYD, C., IN CHAMBERS.

JUNE 21ST, 1916.

*RE HUNTER.

Lunatic—Committee—Trust Company—Investment of Moneys of Estate—Payment into Court—Lunacy Act, R.S.O. 1914 ch. 68, sec. 11(d).

Motion by the National Trust Company, committee of the estate of a lunatic, for an order confirming the report of a Local Master.

G. M. Willoughby, for the applicant-company.

K. W. Wright, for the Inspector of Prisons and Public Charities.

THE CHANCELLOR, in a written opinion, said that the applicant-company, as trustee of an estate, had money and assets in its hands payable or to be payable to the lunatic; and there were also other items of personal property belonging to the lunatic. The Master submitted a scheme for the management of the estate and maintenance of the lunatic, viz., that the committee should get in all the property, convert it into money, and invest and reinvest the same in proper securities, and thereout pay the interest, and, if necessary, part of the principal, in satisfaction of the annual charge of \$312 for the maintenance of the lunatic in an asylum, a sum of \$300 for past maintenance, and \$75 a year for clothing etc. The report was wrong in directing that the money realised should be administered and invested by the committee. The committee—a trust company in this case—had power by statute to act without security; but this does not enlarge its powers in dealing with the fund of the lunatic. The fund should go into Court: sec. 11 (d) of the Lunacy Act, R.S.O. 1914 ch. 68; Re Norris and Re Drope (1902), 5 O.L.R. 99, 101; Re Rourke (1915), 33 O.L.R. 519.

Judicial officers of the Court, and solicitors, who are also officers of the Court, should keep this rule in view.

The report should be modified as indicated, and confirmed as modified; but no costs should be allowed of this motion or of any evidence which induced the error now corrected.