

This rule is now represented by the present Consolidated Rule 191, which is as follows:—

“The judges may arrange with the Toronto General Trusts Company to make investments, and to take the securities in the name of the Accountant of the Supreme Court of Judicature, of moneys in court, upon first mortgages of lands, and may direct the issue of cheques therefor upon condition that the said company do, by proper instrument, guarantee the sufficiency of such securities, and the due payment of interest at the rate of $4\frac{1}{2}$ per cent. per annum, half-yearly, on the moneys so invested from the date of the receipt by the company of the money for each investment, and also the due repayment of the principal moneys so invested; and upon further condition that in case the said company makes an investment as aforesaid at a higher rate than 6 per cent., then the said company is to pay interest thereon to the court at the rate of $4\frac{3}{4}$ per cent.; and upon further condition that the said company is to satisfy the official guardian of the said High Court of the sufficiency of the security as to value, and he is to certify the same to the court before the cheque issues for each investment.”

The Toronto General Trusts Company has up to the present time invested the general balance of the funds in court, less that retained by the bank, on the terms of the general order. The total sum invested by that company under this arrangement up to 31st March, 1889, is stated at \$2,454,000, making an average of upwards of \$350,000 per annum for the seven years. The company, with this business to do and the large opening for a general trust business which has undoubtedly existed for some time, has naturally become a very prosperous concern.

It must be borne in mind that, besides the general investing company, the court has a general banker—the Canadian Bank of Commerce, who pay the court a given rate of interest in consideration of having a large balance in return, \$500,000, constantly at the credit of the court in their hands.

We cannot, without more data before us, state the cause, but the fact is, that lately the court has found itself compelled to reduce the rate of interest paid to suitors on funds lying in court from 4 to $3\frac{1}{2}$ per cent. per annum.

Many persons are largely dependent upon the income from funds in court, and this change is productive of much discontent. Efforts have been made in different ways to procure the payment out of moneys for investment by trustees who could invest at market rates, and net more to their *cestui que trustent* than the court pays. Such applications have, however, been uniformly denied. The last case of this kind reported is *Re J. T. Smith's Trusts* (2), 18 Ont. Rule, 327, where a petition was presented to the court by the Trusts Corporation of Ontario and a party who was entitled for life to the income of a fund in court, the proceeds of the sale of certain settled estates, for the payment out of the fund for the purpose of investment by the company as trustees (they having been appointed as substituted trustees under the will which devised the settled estates), and the application was opposed by the official guardian on behalf of the remainderman. The Chancellor held that the practice and current of authority were against payment out of court of the moneys as asked by the petitioners, and that they were not entitled to it as a matter of right, and dismissed the application.