

"pinnacle of a successful company, another manager, with other attributes, might just as easily squander it. . . . The directors have done their duty nobly; there is no complaint to be made against them or any one of them; but I say with the revolving years must come a change in the management; who can say whether the future management will continue the present high standard of your Company."

To myself and associates on the directorate and executive staff that well-deserved testimony is most gratifying in view of the searching ordeal through which we passed. For while counsel may have meant to be fair and just to the Company, it was manifestly the fairness of the severe cross-examiner type, with perhaps as much mischief as play intended in the linguistic license in which he indulged quite frequently. But the Commissioners summing up, "in the conduct of the Sun Life business there is nothing to be desired," makes ample atonement for the license taken by counsel, and for the trouble and annoyance to ourselves.

What concerns us now is the coming legislation. What shall it be? Much will, of course, depend upon the recommendations which the Commission may make—and they have been as dumb as the dead sea on that point. It was, however, observed that two leading thoughts seemed to disturb their meditations somewhat, viz., trust funds, and investment security. Both are worthy of earnest consideration here.

I. Trust Funds. Trust is a trait that is found to be interwoven with every act and movement in human life—trusting to one's own perspicacity and carefulness, else to the carefulness and trustfulness of others, or to the presence or absence of something beyond our control. Anything and everything put in the care or keeping of another constitutes a trust. And every day finds our fortune, our reputation, our life even, assailable if not even at the mercy of others, thus making each one in a sense his brother's keeper.

But the question at issue is what constitutes trust funds? In answering that question I would at once confess that life assurance funds are a great trust, and that in view of their objective mission and destination—that of providing for widows and orphans—they are as sacred a trust as any body of funds confided to the care of any class of institution known to me. Having made that frank avowal, I yet do not

hesitate to say that life assurance funds, considered in the ingathering stage, are essentially distinct from and require essentially different treatment from the trust funds of estates (the trust fund as defined by law), and it was obviously the oversight of that essential difference that seemed to perturb Commissioner Langmuir and that confuses press editorials on the subject. Let me explain.

Property and money placed in the care of an estate trustee, and the assurance premiums which, perhaps, the same testator might have paid yearly into a life company, have essentially distinct functions to fulfill and must be classified differently, and ought to come under essentially different legislative treatment.

The estate:—The eager trading—the keen profit-making—the joyous ingathering of surplus—in fact, the bustle and struggle of estate-making generally, have all ended with the testator's death, and before a trustee is needed. That whole cycle of activities attending the alternate gains and losses of business is of the past—is effectually closed, and dare not be repeated by the trustee on his appointment to the control of the estate funds. All the wealth that the testator accumulated in his lifetime, and bequeathed to his heirs at death, now constitute the estate and is put in charge of a competent fiduciary as trustee. And just here it is important to note the special function expected of the trustee, viz., to apply the funds—to pay out the funds strictly in accordance with whatever instructions may be contained in the testator's will. Not to ply for increment—that ceased with the testator's death—but to apply the funds to accomplish the testator's known wishes.

That trustee is not given nor is he allowed to exercise discretionary power to buy and sell and to otherwise invest for gain, either honestly or on pretense to augment or eke out the trust, be it great or small. The specific instructions contained in the will, and in the absence of a will then of the statute framed to specially prevent the alimony of widows and minors from being put into securities that may not be at all times available promptly to meet the requirements of the heirs as needs may arise must dominate a trustee's action. His duty is to ensure safety for the trust and to apply—to expend the proceeds strictly within the testator's known wishes. Every sane person will, therefore, heartily agree with Commissioner Langmuir that such is the use to be made of trust funds—the funds of estates, and also

