

an authoritative exposition of Rule 186, as applied to actions of this class.

At present I think the motions fail. The defendants should plead in 8 days. The costs may be in the cause, the matter being one of some difficulty.

Campbell v. Cluff, 8 O. W. R. 740, 780, may be referred to, though not strictly in point.

ANGLIN, J.

MAY 30TH, 1907.

TRIAL.

TORONTO GENERAL TRUSTS CORPORATION v.  
KEYES.

*Gift — Fund Deposited with Trust Company by Settlor — Parting with Control—Dealings with Cheques for Income— Completed Gift—Rights of Beneficiaries—Trust—Interpleader Issue—Costs.*

An interpleader issue directed to determine whether 3 sums of \$1,000 each belonged to plaintiffs, as executors of the last will and testament of one Joanna J. Phelan, deceased, or to the defendants respectively.

M. J. Gorman, K.C., for plaintiffs.

H. Fisher, for defendants.

ANGLIN, J.:—The material facts are as follows: Joanna J. Phelan in her lifetime had on deposit for investment with the Toronto General Trusts Corporation the sum of \$5,000. This money was held by the trusts corporation upon the terms of a guarantee investment receipt given to Mrs. Phelan and similar to that set forth below. In the year 1905, having a further sum of \$3,000 available, Mrs. Phelan called upon the accountant of the trusts corporation and told him that she wished to deposit this \$3,000 in the names of her two sisters, Agnes Keyes and Nora Brophy, and her sister-in-law, Julia Phelan (the defendants), giving to each \$1,000. She asked that these moneys be placed to the credit of these three persons in the same manner as the