

BOYD, C.:—The control of the funds is by the reports left in the hands of the committees. This is in contravention of the settled policy of the Court, and at variance with the usual form of order directing the committee to account yearly for his dealings with the estate, and to pay into Court the balance found in his hands. Injury has in past time resulted from the careless handling of funds by guardians, trustees, and committees, and, though it may seem that greater returns can be had by leaving the investments to be made by such persons, yet, owing to the expense of procuring loans, examining titles, and passing securities, there is no such preponderance of advantage as to countervail the absolute security of the fund when in the hands of the Court. In the case of small estates, which might be barely sufficient, or perhaps insufficient to yield a yearly return for the lunatic's maintenance, and in which it is necessary to collect the personalty and sell the realty, the rule which should be observed by the local officers is that the fund, when realized, shall be paid into Court. Where part of the estate is left for the abode of the lunatic or otherwise, the scheme for dealing with this should be reported to the Court, so that proper directions may be given. In all lunacy matters it is imperative that the costs should be revised under Con. Rule 1167, before the amount is inserted in the report. Direction that in these cases the moneys in the hands of the committees, and to be collected from debtors or from the sale of lands, be forthwith paid into Court. The official guardian to intervene in the usual way.

WINCHESTER, MASTER.

DECEMBER 19TH, 1902.

CHAMBERS.

ANDERSON PRODUCE Co. v. NESBITT.

*Foreign Judgment—Action on—Pleading—Defence on Merits.*

Motion by plaintiffs to strike out paragraphs of statement of defence setting up a defence upon the merits to an action on a foreign judgment.

D. W. Saunders, for plaintiffs.

W. B. Northup, K.C., for defendant.

THE MASTER held that, on the authority of *Hollender v. Ffoulkes*, 26 O. R. 61, in which a Divisional Court refused to follow *Woodruff v. McLennan*, 14 A. R. 242, and permitted a defence upon the merits to be set up, the application must be refused.