

bers were liable to contribute to any losses together with investing members, and that any borrowing member asking to redeem could only do so on paying what was due from him, including this liability; and he moreover held that the fact that the directors had not "determined" and apportioned the loss made no difference now that the society was being wound up by the Court. But for rule 3, which he held constituted a contract by the borrowing members to share all losses, he was of opinion that under *Toole v. North British Building Society*, 11 App.Cas., 489, losses other than to outside creditors would fall on the investing members alone.

TRUSTEE—POWER OF INVESTMENT—CORPORATION HOLDING FUNDS IN TRUST—TRUST INVESTMENT ACT, 1889 (52 & 53 VICT., c. 32) SS. 3, 5, 6, 7, 9—(R.S.O., c. 110, ss. 29, 30.)

*In re Manchester Royal Infirmary : Manchester Royal Infirmary v. Attorney-General*, 43 Chy.D., 42, certain funds were held by a corporation for a charitable trust, and an application was made by the corporation to North, J., to determine whether the corporation could properly invest the funds in the securities mentioned in the Trust Investment Act, 1889 (see R.S.O., c. 110, ss. 29, 30). He was of opinion that the corporation might so invest the fund, but that if the instrument creating the trust contained no power to vary the securities, it was not competent for them to sell existing investments for the purpose of investing the proceeds in securities mentioned in the Act. It may be noticed, however, that in R.S.O., c. 110, s. 29, there is an express provision enabling trustees to call in trust funds invested in any other securities than those mentioned in that section of the Act and invest the same in the securities mentioned in that section. But as regards the securities mentioned in R.S.O., c. 110, s. 30, there is no such express power to vary existing investments, and this case would therefore be an authority as to the construction of that section.

In the following case of *In re National Permanent Building Society*, 43 Chy.D., 431, North, J., also held that the funds of a benefit building society invested in the names of trustees for the society under the direction of the board, are not trust funds subject to the powers conferred by the Trust Investment Act, 1889. The trustees, in his view, had no power of reinvestment, but were merely agents of the society to whom the funds belonged, not as trust funds, but as their own property, and the Act contemplated that the trustees to whom it applied should have a discretion as to investment independently of the Act.

None of the other cases in this number seem to call for notice here.