

ordinarily arising in administration suits, no such power as that suggested has yet been conferred.

There is not to be found in the Surrogate Rules any machinery for payment into Court. The Surrogate Court has no accountant and no officer who is entitled to receive and hold the moneys.

I asked counsel what was meant by "paying money into the Surrogate Court;" and he told me that the procedure adopted was the payment of the money into a bank. He did not know whether it was paid to the credit of the person entitled, either solely, or jointly with the Surrogate Registrar or the Surrogate Judge. The bank pass-book is then deposited with the Surrogate Registrar. Upon this deposit being made, the bank allows three per cent. interest.

Apart from the question of the absence of jurisdiction, the practice is most inconvenient and is not in the interest of the infant. The expense of paying money into the Surrogate Court in this way is fully as great as upon payment into the High Court; and the money carries three per cent. interest, instead of four and a half per cent., as now allowed by the High Court. The funds are subject to no supervision or control. There is no audit, and no one is responsible in any way.

The appeal should be allowed, and the order varied by directing payment into the High Court. No costs.

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RIDDELL, J., IN CHAMBERS.

MAY 20TH, 1912.

PRINGLE v. CITY OF STRATFORD.

*Costs—Illegal Exchange of Land Contemplated by City Council—Resolution—Action by Ratepayer—Injunction—Abandonment of Scheme—Costs of Action—Summary Disposition—Appeal.*

Appeal by the plaintiff from an order of the Local Master at Stratford refusing to order the defendants to pay the plaintiff's costs of the action, upon a summary application by the plaintiff.

W. H. Gregory, for the plaintiff.

C. A. Moss, for the defendants.