

Mr. FOSTER. I do not see that. It says that the company may execute trusts committed to it by a decree of that court, and may execute 'these other offices.' This word 'and' seems to indicate that these offices are outside of the judgment or decree of any court.

Mr. FIELDING. But which one of these functions might not properly be performed by a company as well as by an individual? Take them in order: Executor, administrator, trustee, and so on. It simply means that in each of these cases, what an individual might do this corporation may do. I do not think there is any danger in it.

Mr. R. L. BORDEN. I do not think the criticism was exactly on that point. It struck me that the words 'so appointed' were not very apt, that there should be some other expression as, 'appointed to such office' because 'so appointed' should refer to some previous words concerning appointment, but there is no previous expression of that kind. The words 'appointed to such office' would make the meaning clearer.

Mr. FIELDING. That does improve it, I believe. I move that the subsection be amended so as to read 'as fully and completely as any person appointed to such office could do.'

Amendment agreed to.

Mr. R. L. BORDEN. I would call the minister's attention to lines 43 to 46 of this section. It says: 'and in all cases where application is made to any court, judge or prothonotary for appointment to any such office or trust, such court, judge or prothonotary may appoint the company.' In some provinces, at least, prothonotaries have no such power; I do not know if any such power might be here implied. On the other hand, there are officers who have such powers but are not here named, for instances, Masters in Chancery, or in my own province of Nova Scotia, Masters of the Supreme Court. I would suggest that we modify the section so as to read something like this: 'In all cases where such application is made to any court, judge, officer or person having authority to make appointment to such office or trust, such court, judge, officer or person may appoint'—and so on.

Mr. FIELDING. The drafting of the Bill was probably made with a view to the proceedings in the province from which it comes. But, as the Bill is general in its application, it should read so as to carry out that idea. I do not think the draftsman of the Bill will object to the suggestion. I move:

That in subsection 'c' the words 'or prothonotary for' be stricken out and the following words substituted 'officer or person having authority to make.'

Amendment agreed to.

Section as amended agreed to.

On section 11,

Mr. FOSTER. You provide that these trust funds shall be invested in first mortgages, which is all right, but you go on and say that they can be invested in 'privileges and hypothecs.' What are the privileges? They seem to be an airy kind of security to offer a blunt, plain farmer when he talks about trust funds.

Mr. BRODEUR. In our Civil Code there is a provision with regard to privileges and hypothecs, but the word 'privileges' seems to have no meaning in the clause and should be stricken out.

Mr. FOSTER. What is a hypothec?

Mr. BRODEUR. A mortgage.

Mr. FOSTER. Is it a first mortgage?

Mr. BRODEUR. Not necessarily.

Mr. FOSTER. Do you think it wise to invest trust funds in any but first mortgages; if it is only a lien it may be a very uncertain kind of security.

Mr. BRODEUR. The law of our province provides that trust funds shall be invested only in first mortgages.

Mr. FOSTER. If that is the case, then why do you not strike out the words 'privileges and hypothecs'?

Mr. FIELDING. I should think there would be no objection to that.

Amendment agreed to.

Mr. OSLER. You say in this clause that the trustees shall see that the security is 'ample.' That word 'ample' is an extraordinary word to use there.

Mr. FIELDING. It is a word used in a previous Act.

Mr. FOSTER. Perhaps it would make it more binding on the trustees if they had to see that the security was ample. The rule in trust funds is that 50 per cent is the utmost that should be taken, but of course on some properties you might lend 60 per cent of the value and it would be safer than to lend 50 per cent on other mortgages.

Mr. FIELDING. The practice in previous charters has not been to specify any percentage, but to insert the word 'ample.' We might hear the objections to these different clauses and still leave the Bill in committee so that the promoters may be heard.

Mr. BRODEUR. It is very important that trust funds shall be invested only on first-class security, and I am much in accord with the idea suggested by the member for North Toronto. I think we should not connect the insurance business with the trust business. At all events, the provisions of such Bills as this should be made subject to