

BRITTON, J., IN CHAMBERS.

JUNE 28TH, 1915.

*RE LAW.

Executors and Administrators—Decease of Foreigner Having Property in Ontario—Letters of Administration Obtained from Ontario Court—Moneys Realised from Ontario Property—Payment by Ontario Administrator to Foreign General Administratrix—Interest of Infants—Trustee Act, R.S.O. 1914 ch. 121, sec. 38 (2).

T. P. Law lived in Chicago, Illinois, and died there, intestate, leaving an estate of about \$20,000. Letters of administration of his whole estate were granted to his widow by the Probate Court at Chicago. A small part of his estate being in London, Ontario, letters of administration limited to that part of his estate were granted by the Surrogate Court of the County of Middlesex to the Canada Trust Company, who realised the assets, paid the expenses thereout, and had in hand a balance of \$744.76, which was demanded by the administratrix at Chicago.

The Ontario administrators applied for leave to pay this sum into Court and for payment out to the administratrix, or for leave to pay directly to her.

The persons entitled to the estate, after payment of debts and liabilities, were the widow and three infant children.

F. P. Betts, K.C., for the applicants.

F. W. Harcourt, K.C., Official Guardian, for the infants.

BRITTON, J., said that the Official Guardian called attention to sec. 38 (2) of the Trustee Act, R.S.O. 1914 ch. 121; but this was not the final passing of the accounts; it was in fact only a collection by the Ontario administrators for the home administratrix, to enable the latter to pass the accounts and make final distribution.

Every material fact was established by the applicants; proof and papers having reference thereto had been filed on this application; and it appeared that the administratrix had given satisfactory security for all sums which might come to her hands belonging to the estate.

Order made allowing the applicants to pay the amount in their hands (less \$5 costs to be paid to the Official Guardian) directly to the administratrix.