

an end; and, therefore, this appeal should be dismissed with costs.

HON. MR. JUSTICE CLUTE and HON. MR. JUSTICE SUTHERLAND, agreed.

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DIVISIONAL COURT.

JANUARY 11TH, 1913.

RE CORKETT.

4 O. W. N. 632.

*Executors and Administrators—Passing of Accounts—Sums Paid for Maintenance—Order of H. C. J.—Allowance by Surrogate Judge—Discretion—Persona Designata—Estoppel.*

Appeal by one W. G. C., from order of Surr. Ct. J., Co. Peel, declaring the said W. G. C. entitled to certain sums for maintenance under the will of his father, until he should reach the age of 25 years, but no longer. The order appealed from was made upon the passing of the accounts, and was intended to be a determination by the Court of what was a fair allowance for W. G. C.'s maintenance.

DIVISIONAL COURT dismissed appeal, without costs.

Costs of opponents of motion out of estate, those of executors as between solicitor and client.

Appeal by William George Corkett from order of Surrogate Judge of the county of Peel.

B. F. Justin, K.C., for William George Corkett.

R. G. Agnew, for Margaret J. Kee.

E. C. Cattnach, for the infant.

A. F. Aylesworth, for the executors.

HON. MR. JUSTICE SUTHERLAND:—One George Corkett made his will dated 24th February, 1902, and codicil thereto on the same date, and died on the 4th March, 1902. Letters probate were issued on the 4th April, 1902. There is a provision in the will with respect to the support and maintenance of certain devisees and legatees. One of these, William George Corkett, on the 1st May, 1911, launched a motion for an order declaring him entitled to such support and maintenance, and in his notice of motion asked that the executors and trustees be authorised and directed to pay to him out of the estate from time to time such sums