

RIDDELL, J.

JULY 3RD, 1907.

CHAMBERS.

RE COULTER, COULTER v. COULTER.

Improvements—Mistake in Title—Administration Proceeding—Life Tenant—Belief in Ownership in Fee Simple—Report—Reference Back—Inquiry as to Improvements—Evidence—Costs.

Motion by William John Coulter for payment out of Court to him of \$1,598, in the circumstances mentioned in the judgment.

John King, K.C., for the applicant.

F. W. Harcourt, for the infants .

RIDDELL, J.:—The late John Coulter by his last will and testament devised lot 14 in concession A. of the township of Etobicoke to his son William John Coulter, using words which have been interpreted to mean that the son took for life. An order was made by Falconbridge, C.J., for the administration of the estate of John Coulter on 12th March, 1907, and in the course of the administration the land in question was sold—why it does not appear. It is alleged that William John Coulter was advised that he was under the will the owner in fee, at least after he had received from his brothers and sisters a deed which is produced; and that under such mistake he “expended the sum of \$1,598 for permanent improvements” upon the said land. The Master reports thus: “15. It has been made to appear before me that the said William John Coulter has expended the sum of \$1,598 for permanent improvements which he claims to have made in mistake of title upon the said real estate . . .” and I report this specially to the Court at the request of all parties.

A motion was made before me, upon consent of all adults interested, that the sum aforesaid be paid out to William John Coulter. Were all parties sui juris, I should have upon consent made the order. But infants are interested, and it is, therefore, necessary to examine into the legal position.