

INFANT—WARD OF COURT—TESTAMENTARY GUARDIAN—GUARDIAN'S CHANGE OF RELIGION—REMOVAL OF GUARDIAN.

In *F. v. F.* (1902) 1 Ch. 688, an application was made by a female ward of court by her next friend for the removal of her testamentary guardian and the appointment of another. Both parents of the infant were dead, and by the will of her deceased father, who died in 1896, his sister had been appointed her guardian. The father was a Protestant of evangelical views and the testamentary guardian had previously to 1900 also been a Protestant. In 1900 she became a Roman Catholic. The infant was 17 years of age and was personally opposed to continuing under her charge on the ground of the change in her religion. Under the circumstances Farwell, J., was of opinion that it was for the benefit of the infant that the testamentary guardian should be removed, but the parties agreeing to an arrangement suggested on behalf of the applicant for the appointment of a joint guardian with certain provisions as to residence, teaching, etc., it was approved and so ordered by the Court.

TRUSTEE—DISCHARGE OF TRUSTEE WITHOUT APPOINTING NEW TRUSTEE—JURISDICTION—TRUSTEE ACT, 1893 (56 & 57 VICT., C. 53), S. 25—(R.S.O. C. 336, S. 21).

In *re Chetwynd, Scarisbrick v. Nevins* (1902) 1 Ch. 692, was an application by originating summons by one of four trustees of a settlement asking to be discharged from his trusteeship. It originally asked for an order under The Trustee Act 1893, (56 & 57 Vict., c. 53) s. 25 (R.S.O. c. 336, s. 21) but Farwell, J., held that there was no jurisdiction under that Act to remove a trustee without at the same time appointing a new trustee, and it is not the practice to reappoint continuing trustees in the place of themselves and a retiring trustee, so the summons was amended by adding all parties interested and asking an administration of the trusts. The applicant had acted for ten years, was over 60, and in ill health, and desired to retire from the trusts; and the learned Judge held that in an action to administer a trust the Court has inherent jurisdiction to remove a trustee without appointing another in his stead, and made the order asked.