

Had there been any dispute or contention on Ridge's part as to the existence of the contract for the purchase when it was produced on the application, I might have thought it proper to refer the matter again to the Master for reconsideration. But there is no denial of the agreement in the form in which it now appears, and I therefore deal with the matter without so referring it.

BOYD, C.

SEPTEMBER 22ND, 1913.

*RE HAVEY.

Life Insurance—Moneys of Infants—Appointment of Mother as Trustee—Letters of Guardianship—Insurance Act, 2 Geo. V. ch. 33, sec. 175—Amending Act, 3 & 4 Geo. V. ch. 35, sec. 10—Powers of High Court—Payment of Infants' Moneys into Court—Exception—Discretion—Payment to Mother—Undertaking to Apply for Maintenance and Benefit—Costs.

Motion by Catherine Havey, the mother of two infants entitled each to \$500 insurance moneys, and appointed their guardian by a Surrogate Court, for an order appointing her trustee to receive the moneys for the infants, under the Ontario Insurance Act.

The application was heard at the Ottawa Weekly Court.
F. A. Magee, for the applicant.

BOYD, C.:—By the latest amendment to the Insurance Act, where there is no trustee designated by the assured, the shares of infants may be paid to the executors or to a trustee appointed by the High Court, and such payment shall be a valid discharge. This amendment restricts the provisions of the law repealed, which, from the Insurance Act R.S.O. 1897 ch. 203, permitted the Surrogate Court, as well as the High Court, to intervene. Acting under 2 Geo. V. ch. 33, sec. 175, the applicant, widow of the assured, in July, 1913, obtained letters of guardianship for the purpose of receiving the money, \$500 (that sum being payable to each of the two infants). But, as the new law, 3 & 4 Geo. V. ch. 35, sec. 10, came into force in May, 1913, the letters were and

*To be reported in the Ontario Law Reports.