

have changed so as to require a refusal of this application, or the making of some order different from the order which was made: it was just because of this that that order was limited as to the time during which it should be effective. Yet in regard to any matter in which the circumstances are not changed—in which the principle involved is the same—I would feel bound by the former rulings, whatever might be my own view of any question covered by them, notwithstanding the case of *In re Hambrough's Estate*, *Hambrough v. Hambrough*, [1909] 2 Ch. 620, decided in England, where there is not, as far as I am aware, any such legislation as that upon the subject contained in the Judicature Act of this Province.

Therefore, having no doubt of the regularity of the application or of the propriety of making such an order as would give effect to the wishes of all parties to it, an order which would be quite in accordance with the settled practice of this Court, I should not have had any hesitation in making it, but for the doubt thrown upon that practice in the case of *Re Carnahan* (1912), a brief report of which appears in 4 O.W.N. 115: a doubt which I am quite sure was not expressed until after a very careful and anxious consideration of the subject and examination of the cases bearing upon it: an expression of doubt which called for hesitation, in this application, in order to obtain a fuller knowledge of the reasons upon which it was based, and to reconsider carefully the subject, with a view to a reference of the matter to a Divisional Court, under the legislation before mentioned—the Judicature Act, R.S.O. 1914 ch. 56, sec. 32—should I be able then to share in that doubt.

But further consideration prevents me sharing in it; and convinces me that the practice is right and should be followed, as indeed it was in *Re Carnahan*.

The power of this Court to enforce the duty, of any guardian or other trustee, to maintain and educate infant children according to their needs and means is one of those elementary things about which there can be as little doubt as there can be of the fact that infant children ought to be maintained and educated according to their needs and means. Nor can there be any doubt of the wide powers of this Court over the person and property of an infant; nor that that power ought to be freely exercised for the benefit of the infant, whenever necessary: see *Simpson on Infants*, 3rd ed., pp. 222-3.

Some stress seems to have been put upon the fact that the infants' money was not, in the case of *Re Carnahan*, as also it is