

MEREDITH, C.J.C.P.

DECEMBER 12TH, 1913.

*RE RENNIE INFANTS.

Life Insurance—Infants' Shares of Money Payable by Benevolent Society—Surrogate Guardian—Application to be Appointed Trustee to Receive Moneys for Infants—Ontario Insurance Act, 2 Geo. V. ch. 33, secs. 171, 175, 176, 177, 178—Ontario Insurance Amendment Act, 3 & 4 Geo. V. ch. 35, secs. 10, 12—Infants Act, 1 Geo. V. ch. 35, sec. 20—Notice to Society and Official Guardian.

Application by the guardian of two infants for an order appointing him trustee and authorising him to receive from a benevolent society certain insurance moneys to which the infants were said to be entitled.

The application was made ex parte, and was heard by MEREDITH, C.J.C.P., in the Weekly Court at London, on the 20th September, 1913.

J. MacPherson, for the applicant.

MEREDITH, C.J.C.P.:—The father of these infants, being a member of a benevolent society, was entitled to, and held, a "benefit certificate," under which \$3,000 was made payable to his wife, at his death; she died, and, after her death, he died; leaving the applicant, and these two infants, his and her only children, and heirs at law and next of kin, them surviving.

It is said that the society is ready and willing to pay the money, and has paid one-third of it to the applicant, who is of age; and who has obtained, in the proper Surrogate Court, letters of guardianship of the two infants, whose ages are 19 and 17. Security seems to have been given, upon the application for the letters of guardianship, for the proper application of the money in question.

This application is made ex parte; and is said to be made because the society contends that, as the law now is, the money cannot properly be paid over to such a guardian, but can properly be paid over only to a trustee appointed by this Court, under the provisions of the statute (the Ontario Insurance Amendment Act, 1913) 3 & 4 Geo. V. ch. 35, sec. 10.

*To be reported in the Ontario Law Reports.