

MEREDITH, C.J.C.P., IN CHAMBERS.

JANUARY 12TH, 1915.

*RE ADKINS INFANTS.

Infants—Maintenance out of Funds in Hands of Guardian—Encroachment upon Capital—Powers of Court—Infants Act—Rules of Court—Summary Application—Order Authorising Guardian to Pay Moneys to Mother of Infants.

Motion by the mother of the infants for an order authorising the guardians to continue an allowance to the applicant out of the infants' moneys for their education and maintenance.

The application was heard as in Chambers at the London Weekly Court on the 19th December, 1914.

F. P. Betts, K.C., for the applicant and the guardians.

W. R. Meredith, for the Official Guardian.

MEREDITH, C.J.C.P. :—In substance this is an application, on the part of all concerned, for maintenance and education of infant children, largely out of the corpus of property belonging to them, the income of it being quite insufficient.

In form the application is, by notice of motion, to a Judge at Chambers, on behalf of the mother of the infants, with whom they live, for an order that the guardians of the property of the infants, such guardians being also administrators of the property of the father of the infants, who died intestate, shall pay to the applicant a sufficient sum for such maintenance and education.

So that really that which is sought is authorisation by the Court of payment out of the corpus.

The case is one of the simplest character, involving only elementary questions on the subject of maintenance; and it is made the more simple because already the matter has been dealt with by a Judge of this Court at Chambers, and an order made directing such payments: but an order which covered only a limited number of years, and they have passed; and so the need for this second application.

It does not, of course, follow that, because an order was made before, another should be made now. Circumstances may

*To be reported in the Ontario Law Reports.