

2. The convenient accommodation of the public is a separate purpose for which such an application may be made, and whether or not the applicant states, in express words, this to be one of its purposes, yet if the purposes stated appear to be such as will serve for the convenient accommodation of the public, the Board may consider the application as founded on that as one of the grounds.

3. Upon an application of this kind it is future traffic and future accommodation that have particularly to be taken into consideration. The existing traffic and the existing accommodation serve only as bases for consideration.

4. The probability or otherwise of any new railway seeking to enter the City may be taken into consideration in reference to the adequacy of the accommodation for further traffic.

5. Under s. 139, sub-s. 4 the Board has very wide powers and may refuse an application in connection therewith or impose any such terms and conditions as it sees fit to be performed or acceded to by the applicant company in the event of its being allowed to take the whole or any portion of the lands applied for.

6. The expression "terms and conditions," being so wide the Board can require the company to do any act including the payment of money, or the paying of any compensation, in addition to that which is authorized by the statute, or to refrain from doing any act or to be subject to any liability or disability whatever.

7. Care however must be taken that such large powers should be exercised with great caution, and additional compensation should only be allowed under very peculiar circumstances.

M. K. Cowan, K. C., for the applicant company. Fullerton; K. C., for City of Toronto. Watson, K. C., Thomson, K. C., H. Cassels, K. C., J. Shirley Denison, J. A. Macdonald and Strachan Johnston, for other interests.

Province of Ontario.

COURT OF APPEAL.

Full Court]

[Jan. 23.]

RE MCINTYRE AND LONDON & WESTERN TRUSTS CO.

Will—Infants—Legacies—Interest and maintenance.

Judgment of STREET, J. 7 O.L.R. 548, affirmed, which declared that the legacies of \$4,000 given to each of the testator's