

fants, for leave to her to take such steps as may be needful to carry into effect the settlement.

The infant is the owner of two undivided shares of the land in question; her father, a defendant in the action, was the owner of the other undivided share; but, under a deed of settlement, by which the infant benefits largely, he conveyed that share to a trust company, who are the defendants in the action. The plaintiff is a creditor of the father, seeking payment of his demand out of the trust property.

Two questions are involved: one of law, the other of fact. Is there any power in the Court, either in the action or upon the application, to authorise or give effect to that which is sought, notwithstanding the infancy? If so, is it advisable to do so?

If the latter question cannot be answered in the affirmative, it is needless to consider the other; therefore, it may save time to deal with the last question first.

Two points are made by those who support—and no one opposes—the application. It is said, in the first place, that, unless this settlement be carried out, a sale, sooner or later, of the one-third undivided share in the land is almost unavoidable, and that ownership of it by a stranger would be detrimental to the interests of the infant. The property is situated in what is at present one of the most favoured and valuable business sections of Toronto, and is subject to a lease, which may be continued for eighteen years to come. At present valuations, the lease is unfavourable to the owner. And it is said, in the second place, that, in view of increasing values of land in the locality and of the favourable character of the terms upon which the infant can acquire the third undivided share of the land, the right to acquire it ought to be exercised; that no one *sui juris* would think of rejecting it.

But there are other things to be considered.

The infant is an invalid girl, still suffering from the effect of that which is said to have been an attack of infantile paralysis, when she was about two years old. It is hoped that the effects of that illness will, before long, pass away, and that normal conditions will come to her. In dealing with the case, the hoped-for and wished-for better health and strength must have due weight.

But it is yet the case of an invalid girl, not of an active, strong, ambitious boy, who could far better risk much to gain more; because, even if it were all lost in the venture, he would