

The appeal was heard by MEREDITH, C.J.O., GARROW, MAC-LAREN, MAGEE, and HODGINS, J.J.A.

A. McLean Macdonell, K.C., for the appellant.

G. N. Shaver, for the plaintiff, respondent.

THE COURT dismissed the appeal with costs.

HIGH COURT DIVISION.

LATCHFORD, J.

OCTOBER 23RD, 1915.

RE VIDAL.

Infant—Maintenance and Education—Directions of Will—Application of Interest upon Share of Estate—Encroachment upon Corpus—Refusal to Allow.

Application by the widow of one Vidal, deceased, for an order authorising the payment to her, by the administrators with the will annexed of the estate of the deceased, of the sum of \$800, out of the share of Madeleine Vidal, the infant daughter of the deceased and the applicant, for travelling expenses to England and the infant's maintenance and education there.

The application was heard in the Weekly Court at Ottawa.

A. F. May, for the applicant and the administrators.

A. C. T. Lewis, for the Official Guardian, representing the infant Madeleine Vidal.

LATCHFORD, J., said that the share of the infant Madeleine amounted to \$1,276.55; that Mrs. Vidal desired to take her daughter to London, where her son was employed in the office of the Paymaster of the Canadian Overseas Forces, and have Madeleine there attend school, while she herself would reside with her son. Her only means of support was a pension granted by the Department of Militia and Defence of Canada—the amount of it was not stated. Madeleine was 18 years of age on the 30th March, 1915, and consented to the payment of the \$800 to her mother.

By his will, the deceased directed that the shares of his infant children (including Madeleine) should be held in trust