

BRODEUR and MIGNAULT, JJ., agreed with ANGLIN, J.

DAVIES, C.J.C., read a dissenting judgment, agreeing with the judgment of the majority in the Divisional Court.

IDINGTON, J., also read a dissenting judgment. He was of opinion that the plaintiff should have judgment upon the findings of the jury, and that there was no legal ground for granting a new trial.

*New trial ordered (DAVIES, C.J.C., and IDINGTON, J., dissenting).*

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APPELLATE DIVISION.

FIRST DIVISIONAL COURT.

MARCH 25TH, 1918.

RE BLACK.

*Will—Construction—Trust Fund—Maintenance of Daughter during Life—Income—Discretion of Trustees—Interference by Court—Costs.*

Appeal by Ethel Martin from the order of MIDDLETON, J., 15 O.W.N. 290.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, JJ.A.

G. W. Morley, for the appellant.

E. C. Cattnach, for the Official Guardian.

G. W. Mason, for the trustees.

D. C. Hossack, for Alena Shipway.

THE COURT dismissed the appeal. The same disposition of the costs of the appeal was made as of the costs of the motion in the order appealed from.