

how many of them do so. The presence of Gray is not necessary to enable final adjudication to be made in this controversy. And on the other alternative of the Rule 206 (2) Gray ought not to have been joined, because any wrongdoer can be sued separately at the option of the plaintiff aggrieved.

[Reference to Peterson v. Fredericks, 15 P. R. 361, 364, and Hewitt v. Heise, 11 P. R. 47.]

I would affirm the Master as to joinder of parties and as to the order to replevy with costs in cause to plaintiff.

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BOYD, C.

MARCH 23RD, 1906.

WEEKLY COURT.

RE WILKIE.

*Will—Construction—Bequest to "my Family"—Exclusion of Children of Deceased Child.*

Motion by the National Trust Company, administrators with the will annexed of the estate of Isabella Wilkie, deceased, for a summary order ascertaining the persons entitled to share in the estate of the deceased, directing that Alexander Wilkie, one of the sons of the testatrix, an absentee, be represented by the other parties in the same interest, allowing the administrators to pay into Court any moneys to which the absentee might be found entitled, and in the event of its being determined that the infant children of George Wilkie, deceased, one of the sons of the testatrix, were entitled to share in the estate, allowing the administrators to pay their shares into Court.

By the will in question the testatrix made certain specific bequests, and then directed that "what money remains to be equally divided amongst my family."

Several children of the testatrix survived her, and one son, George Wilkie, predeceased her, dying however after the date of her will, and leaving 3 infant children.