

SUTHERLAND, J.:—One Mary Jane Wheeler Hollis died on or about the 14th February, 1896, leaving her surviving her husband, John Hollis, and the following children, John Ernest Hollis, Frank Milburn Hollis, William Gordon Hollis, and Edna Jeanette Hollis. The husband died on or about the 17th August, 1899.

The applicant, Emma Preston, formerly Emma Hollis, is the aunt of the said children, and was appointed administratrix of the estate of Mary Jane Wheeler Hollis on the 18th March, 1903. After the death of her brother, John Hollis, she supported, maintained, clothed, and educated the children aforesaid, all of whom were infants. She and they resided at No. 13 Glenhill avenue, in the city of Toronto, which was the property of the deceased Mary Jane Wheeler Hollis, and is now the only asset of her estate.

The applicant states that she has expended in the maintenance of the infant children nearly \$3,000, and expended upon them in other ways moneys which would bring her total claim up to in the neighbourhood of \$3,500. There is a mortgage upon the property in question on which there is a balance of about \$560, and the property is stated by the applicant to be worth \$2,500, leaving its net value at a little over \$1,900. She asks that this property be given to her in settlement of her claim for past maintenance, and is content to take it for that purpose.

Two children who have come of age in the meantime have signified their consent in writing to the application being granted. Since the application was launched, another infant has come of age and is said to be also willing. The only remaining infant, who will be of age in the course of a couple of years, has also signified his consent to the application being allowed.

I am referred in support of the application to the following authorities: *Brazil v. Brazil*, 11 Gr. 253; *In re Dougall*, 14 Gr. 609; *Stewart v. Glasgow*, 15 Gr. 653; *Wylie v. McKay*, 20 Gr. 425; *Crane v. Craig*, 11 P.R. 236.

In the present case the applicant asks that the house property, which is the only asset of the estate, shall be transferred to her. I think, however, in my discretion I should not make the order asked in these circumstances. See *Re Blair*, 14 P.R. 240.

The application will be dismissed. No order as to costs.