

by law, that they presented it in good faith, and that they severally had reason to believe and did believe the statements contained in the petition to be true in substance and in fact. This is not an application for leave to withdraw a petition, as the petition, though presented, was not served. The course which has been adopted put an end to the petition, and effectually stood in the way of the appearance of any intervenor, and also of the taking of proceedings by any other person to set aside the election on the grounds believed by those who thus abandoned the petition to be true in substance and in fact. Under these circumstances, I am not bound to make an order for payment out of the deposit on the materials presented, and am entitled to be judicially informed of the grounds on which it was deemed by those interested in the prosecution "not wise" to proceed further. Affidavits are, therefore, to be filed stating those reasons, and by the petitioners and their solicitors and the solicitors for the respondent, who appears to have solicitors in the matter, although he was not served with the petition, denying all collusion, to the same extent and in the same manner as on a motion for leave to withdraw the petition. Should there be any difficulty in obtaining these affidavits or any of them, the matter may be mentioned again.

BOYD, C.

SEPTEMBER 22ND, 1902.

CHAMBERS.

RE YATES.

Legacy—Charge on Land—Interest—Legatee also Administrator with Will Annexed—Statute of Limitations.

A testator died on 8th November, 1892. By his will \$300 was charged on land devised to his daughter Harriet, to be paid to his daughter Maria six months after his death. The daughter Harriet was made executrix, but she predeceased him, on the 1st May, 1892. Thereupon letters of administration with the will annexed were granted to the other daughter, the legatee, on 12th December, 1892. This daughter did not sell the estate to pay herself the legacy charged on the land, but held it till it could be sold advantageously at a greatly advanced price, to the benefit of all parties.

A motion was made under Rule 938 on behalf of the infant child of the deceased devisee for an order determining whether the legacy to the daughter Maria should be paid with interest.

J. Hoskin, K.C., official guardian, for the applicant.

D. W. Saunders, for the legatee.