

The learned Judge was of opinion that the first objection must prevail. The alleged libel was contained in a newspaper, and he was not at liberty to add to the word "defendant," in sec. 8, other words limiting it to the editor or publisher for the time being.

The article published was not written by Stacey, nor did Stacey approve of or acquiesce in the writing of it. The evidence of the editor was not contradicted; and, according to that evidence, Stacey did not, at the time of publication, know what the editor had written and printed in the newspaper.

*Action dismissed as against the defendant Stacey without costs.*

MIDDLETON, J.

MARCH 28TH, 1918.

LAWSON v. NATIONAL TRUST CO.

*Trusts and Trustees—Marriage Settlement—Will—Construction—Period of Division of Trust Estate—Agreements between Trustees and Beneficiaries—Releases—Account—Investments—Income—Contribution—Declarations—Reference.*

James F. Lawson, sole surviving trustee under the marriage settlement, made in 1870, of Frederick William Cumberland and his wife (both now deceased), brought this action for the purpose of having certain matters connected with the administration of the trust and the rights of the parties beneficially interested arising thereout determined by the Court.

The action was tried without a jury at Toronto.

Donald Macdonald, for the plaintiff.

E. D. Armour, K.C., and J. F. Edgar, for Julia E. Skae, Florence Cumberland, and Constance May Foy.

J. F. Edgar, for F. S. Salaman, assignee of Duncan Campbell.

E. C. Cattanach, for the Official Guardian, representing the infant May Ida Foy and the unborn class.

G. W. Mason and H. S. White, for the National Trust Company and Arthur J. Hardy.

MIDDLETON, J., in a written judgment, said that the active trustee under the settlement, until his death in September, 1913, was Barlow Cumberland, the son of the settlor and one of the beneficiaries.