

ADMINISTRATION—GRANT TO COMMITTEE OF LUNATIC—ADMINISTRATION BOND.

In the goods of Morris, 15 P.D., 9, application was made for the grant of administration to a lunatic's estate. It appeared that the estate to be administered consisted of £10,000, of which all but £850 had been paid into Court, and the balance would shortly be also paid in. The Court made the grant and dispensed with security, except as to the £850, as to which a bond for £1700 was required to be given.

EXECUTORS—ADMINISTRATION—DISTRIBUTION OF ESTATE AFTER ADVERTISEMENT (R.S.O., c. 110, s. 36).

Proceeding now to the cases in the Chancery Division, the first which calls for notice is *In re Bracken Doughty v. Townson*, 43 Chy.D., 1. This was an action against executors for administration. The defence was that they had distributed the estate after publication of due notice under 22 & 23 Vict., c. 35, s. 29, (R.S.O., c. 110, s. 36); and this was held to be a sufficient answer. Some question was raised as to the sufficiency of the notice published, and North, J., held that there was no inflexible rule, that the notice must be published in a London daily newspaper of large circulation, or that a month should be allowed for bringing in of claims; but that the question as to the sufficiency of the notice depended on the circumstances of the particular case, such as the place of residence, or position in life, of the deceased. In this case, the testator was a small farmer, and had lived in the same place forty years previously to his death, and had never engaged in any other occupation than farming his own land, consisting of about fifty-two acres. The notice was published once in each of the local newspapers, and once in the *London Gazette*. The notice fixed a month from its date for bringing in of claims, but it was not published until a day or two after its date; and it was held by the Court of Appeal (Cotton, Bowen, and Fry, L.J.) affirming North, J., that the notice was sufficient, and that the executors who had distributed the estate, were protected from any further claim.

MARRIED WOMAN—WILL—MARRIED WOMAN'S PROPERTY ACT, 1882 (45 & 46 VICT., c. 75), s. 1, s-s. 1, 2, 5, (R.S.O., c. 132, s. 5, s-s. 2).

In re Cuno Mansfield v. Mansfield, 43 Chy.D., 12, is another decision upon the construction of the Married Woman's Property Act, 1882, 45 & 46 Vict., c. 75, s. 1, s-s. 1, 2, 5, (see R.S.O., c. 132, s. 5, s-s. 2). In this case the married woman was entitled, under her marriage settlement made in 1863, to certain property which was thereby limited (in default of issue) upon trust for her absolutely, if she survived her husband, but if she should die in his lifetime then upon such trusts as she should by will appoint, and in default of appointment, for her next of kin. During her coverture, by will made in 1886, she appointed the fund to trustees, in case she should predecease her husband, upon certain trusts, and she bequeathed to them upon the same trusts all the property she could dispose of by will. She survived her husband, and died without revoking publishing her will, never having had any issue. The question, therefore, was