

THE  
ONTARIO WEEKLY REPORTER.

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TORONTO, APRIL 10, 1902

No. 13.

MOSS, J.A.

MARCH 22ND, 1902

C.A.-CHAMBERS.

EVANS v. EVANS.

*Will—Construction—Leave to Appeal.*

Leave to appeal from order of a Divisional Court, ante p. 69, refused.

MEREDITH, J.

APRIL 3RD, 1902.

WEEKLY COURT.

GODBOLD v. GODBOLD.

*Executor—Insolvency—Administration of Estate by Court—Motion for—Undertaking to Pay into Court—Costs.*

Motion by plaintiffs for an order for administration of the estate of Sylvanus Godbold the elder, or, in the alternative, for a receiver of the estate, upon the ground that the defendant Sylvanus Godbold the younger, the sole executor of the will of the senior, was insolvent and not a proper person to be left in sole control of the estate, which was of the value of about \$17,000.

W. E. Raney, for plaintiffs.

E. F. B. Johnston, K.C., and D. T. Smith, for defendant executor.

B. N. Davis, for defendants Harriman and Sarah J. Godbold.

MEREDITH, J.—Upon the executor undertaking to pay into Court, from time to time, forthwith after receiving them, all moneys, proceeds of the estate in question, received by him, this motion is to be dismissed; costs of all parties, as of a simple motion to compel payment into Court by the executor of moneys of the estate admitted to have come to his hands, to be paid out of the estate in question; costs of all parties other than the plaintiffs, over and above such as are to be paid out of the estate, to be paid by the plaintiffs forthwith after taxation. No other order upon this motion; but, if the executor decline to give the undertaking, the matter may be mentioned again.