

J. Harley, K.C., for Esther Ann Force.

M. W. McEwen, for her husband.

A. E. Watts, K.C., for the executors.

MIDDLETON, J.:—John Doran died on the 2nd August, 1895, having first made his will, dated the 23rd July, 1884, by which he devised certain lands to his daughter Esther Ann Force for life, free from the control of her husband. Upon the death of the daughter, he directed the lands to be sold and the proceeds to be divided among his brothers. By a codicil to the will, dated the 11th April, 1898, made after the birth of the only child born to Mrs. Force, the testator directed his executors to hold the land, after the death of his daughter, in trust for the child or children of her then present or any future marriage, and that, after the sale, the executors should apply the income towards the maintenance of the children, dividing the proceeds when the youngest child attains twenty-one, if more than one, and handing over the proceeds to the child on its attaining majority, if there is only one.

The child died when fourteen years old, on the 25th October, 1899. I think the interest was vested in the child, and upon its death its father and mother took as its heirs. There is no need for the conversion of the remainder, and they may take it in specie.

The costs of all parties may come out of the estate.

MIDDLETON, J.

MARCH 7TH, 1914.

GAULIN v. CITY OF OTTAWA.

Municipal Corporation—Submission of Question to Vote of Electors—Municipal Act, sec. 398(10)—Proceeding Previously Determined to be Illegal—Injunction—Motion for Judgment.

Motion for an interim injunction restraining the defendants, the Corporation of the City of Ottawa, from submitting to the vote of the electors a certain question, referred to in *Re Gaulin and City of Ottawa*, ante 30.

W. N. Tilley, for the plaintiff.

H. M. Mowat, K.C., for the defendants.