

MEREDITH, C.J.C.P.

JULY 24TH, 1914.

## RE CAWTHROPE.

*Will—Construction—Residuary Bequest to "Relations who are Needy" — Discretion of Executors as to Persons and Amounts—Limitation to Blood Relations, but not to Next of Kin under Statute of Distributions—Discretion to be Exercised in Good Faith and within Reasonable Time—Executors themselves Included if "Needy Relations."*

Motion by the executors of the will of Sarah Cawthrope, deceased, upon the return of an originating notice, for advice to the executors and interpretation of the will.

All persons who could be interested in the result were served with the notice.

The motion was heard at the London Weekly Court on the 4th July, 1914.

D. C. Ross, for the executors.

C. G. Jarvis, for some of the persons interested.

W. C. Fitzgerald, for others.

Many also appeared in person and were heard.

MEREDITH, C.J.C.P.:—The legal advisers of the executors of Sarah Cawthrope's will think it desirable that their clients should not exercise the power conferred upon them, by that will, until the executors have been advised and the will interpreted by this Court, in these respects: (1) as to the meaning of the word "relations," and (2) as to the meaning of the words "who are needy," both contained in the residuary clause of that will, conferring that power upon them; (3) also as to their rights regarding persons and amounts, in exercising such power; and also (4) whether they can include themselves among those benefited.

The residuary clause of the will only is involved; and it contains but few, and only such as would ordinarily be thought plain, words; so that, I have no doubt, the executors themselves would have thought the intention of the testatrix plain enough, and that only the fear of what the law might think of it has brought them here; and, in coming here, it may be that they are right.

The clause is in these words: "All the residue of my estate