

I direct an issue to determine the fact whether or not the said Ellen Agnes Haughton is a lawful daughter of the intestate and in such issue she will be the plaintiff.

The contest now is really between her and the heirs. If the latter can agree upon some one of them to appear and represent all of such heirs such person may be appointed for that purpose. If not, then all the heirs will be the defendants. The money being now in Court the administrators have practically no further interest in the matter. If it were not for the contention of Ellen Agnes Haughton the difficulty in the way of the administration of the estate and distribution of the money would not have arisen and the other heirs would be entitled to receive the money. Under these circumstances the costs of the application may well and properly be left, I think, until the determination of the issue and then disposed of by the Judge who tries the same.

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