

Upon the evidence, the learned Judge came to the conclusion that there was such a dedication and acceptance, and that the plaintiffs took the land with knowledge thereof, and had, since they became the owners of the property adjoining, by the payment of taxes for a sewer and otherwise, acquiesced therein. Action dismissed with costs. T. Hislop, for the plaintiffs. R.S. Robertson, for the defendants.

WIGLE v. HUFFMAN—KELLY, J.—JULY 8.

Will—Annuity — Arrears — Dower — Money Lent—Funeral Expenses—Administration.—Action by the executrix of the will of Albert Huffman and by others against the co-executor of that will and against others to recover \$600 and interest; also payment of arrears of an annuity given to Agnes Huffman, the deceased widow of the testator; for a declaration that Agnes Huffman was entitled to dower in the lands of the testator, and for sale of the lands to realise the same; and for administration. The action was tried without a jury at Sandwich. KELLY, J., read a judgment in which he said that, upon the evidence, the action failed, in so far as it was against the defendant William Huffman for arrears of an annuity to his mother and for arrears of dower. As to the sum of \$500 advanced by his mother to the defendant Randolph Huffman, it was, on the evidence, a loan. The claim against Randolph and against the land devised to him for arrears of dower of his mother should also be dismissed, the mother having lived with him upon the land, and there being no evidence of any demand for dower by her: *Phillips v. Zimmerman* (1871), 18 Gr. 224. Randolph was liable to his mother's estate for the \$500 lent and interest, and for the arrears of annuity to which the devise to him was made subject. As against these sums, he was entitled to credit for the amount of his mother's funeral expenses. The plaintiffs' costs of the action, in so far as they applied to the claims allowed against him, should be paid by him; in other respects, the action as against him should be dismissed without costs. The action as against William Huffman should be dismissed with costs. F. D. Davis, for the plaintiffs. J. Sale, for the defendants.