

I think that the policy in question is a valid policy, in full force and effect, and binding on defendants, and that by the policy plaintiffs have been fully insured and indemnified against claims for loss or damage to such property as defendants have power to insure.

Action dismissed with costs.

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ANGLIN, J.

MARCH 24TH, 1905.

TRIAL.

WALL v. WALL.

*Distribution of Estate—Intestacy—Next of Kin—Action for Administration—Issue as to Legitimacy—Aministratrix—Costs.*

Action for administration of estate of Catherine Wall, and for an injunction restraining defendant from dealing with or disposing of such estate.

R. S. Robertson, Stratford, and J. J. Coughlin, Stratford, for plaintiff.

S. C. Smoke and W. M. Charlton, Brantford, for defendant.

ANGLIN, J.:—Plaintiff is a nephew of Catherine Wall, who died intestate at Brantford on 19th March, 1903. Defendant, who asserts that she is the daughter of the intestate, was granted letters of administration to her estate in April, 1903. Plaintiff asserts the illegitimacy of defendant, and that he is sole next of kin of the intestate, and seeks a judgment for the administration of her estate and an injunction restraining defendant from dealing with or disposing of such estate. There is no claim made that the letters of administration should be set aside.

The admissibility of much of the evidence adduced by plaintiffs was questioned. Upon evidence which is, I think, clearly unexceptionable, I am compelled to find that it has been established that Catherine Wall, the intestate, was never married, and that defendant is her illegitimate child. The relationship of plaintiff to the intestate, as alleged by him, I find to be sufficiently proven; but the evidence does not satisfy me that he is the sole next of kin of the intestate.