

légataire particulier un douaire attaché sur l'immeuble qui fait l'objet du legs particulier.

This action is brought by the widow of the late John Ross against her three daughters and their husbands, and also against one George James, the curator to a substitution created by John Ross' will. Jane Ross and Louise Alice Ross, with their respective husbands, are the only defendants who have pleaded. I shall avoid repeating now all the averments in detail of the declaration. I prefer to state in a more general way the pretensions of the parties, as the record contains an immense mass of things not essential to a clear understanding of the real points to be decided. The plaintiff claims to be *douairière* of certain property bequeathed to the defendants by the late John Ross, her husband. I shall not now revert to facts anterior to the inheritance of the property by the late John Ross. On the 24th June, 1861, John Ross, by his will, bequeathed the property in question to the present defendants, and to another daughter (Catherine Hannah Ross), with substitution in favor of her children, and of the children yet of another daughter (Julia Caroline Ross). In August, 1863, John Ross died, and the defendants and Catherine Hannah Ross entered into possession—the latter dying in 1865. A portion of this property had come to the defendants by succession, and as the legatees of the late Philip Ross, and the only portion which they took under John Ross' will was five-eighths, instead of three-fourths, as stated in the declaration. This is quite clear as matter of fact, and, indeed, seemed to be admitted at the argument; but is really of little moment as affecting the defendants' liability in itself; and can only affect the extend to which that liability, if any, is to reach. The questions that arise are of common interest to all the defendants, though only two of them have pleaded. I do not notice, either, the particular pretension set up by Louisa Alice Ross, in her first plea, to the effect that the children of Catherine Hannah Ross, and Julia C. Ross have not been joined in the suit through their tutors, because the plaintiff answers this by waiving all claims against them, and by asking to be allowed to