

codicil in full, and that they were largely in arrear; that they had paid a part of the legacy to William, and that the rest was unpaid. A decree was pronounced in this suit on 16th June, 1875, the material portions of which, for the purpose of the present action, were, 1st, a declaration that the legacy of £500 to William contained in the codicil, and the sum necessary to be set apart to provide for the payment of the annuities to Mary and Harriet, were of equal priority, and should abate proportionately in the event of a deficiency of assets; that in the event of a deficiency the said legacy and annuities were to be the first charges on the corpus of the estate, real and personal, the said William Dalton being entitled to \$2,000 and interest from a year after the death of the testatrix, less any payment to which had been made on account; and the said Mary and Harriet to the annual sum of \$400 each, and the survivor of them to the annual sum of \$800, payable during their lives and the life of the survivor, without interest, and that they are entitled as against all the legatees other than the said William to receive the income of the said estate for the satisfaction of the said legacies and the arrears thereof remaining unpaid, to be settled by the Master, without interest, but the said Mary and Harriet are not entitled to be paid the amount of the said annuities or the arrears thereof out of the corpus of the said estate, but only to the extent of the income derived therefrom.

There was a reference to the Master to take the necessary accounts for determining and working out the rights of the parties touching the matters in question as declared in the decree, and further directions were reserved.

At the time this decree was pronounced the sales of land had amounted in all to \$13,425.89; the greater part of the remainder of the land was not sold until after 1st July, 1882. When the estate was finally disposed of, it left a capital sum of about \$28,000, consisting of mortgages and securities on hand. The annuitant, Mary Dalton, became Mary McMichael, and died on 12th February, 1880, without issue; the annuitant Harriet Dalton never married, and died 27th July, 1902. No report was made under the decree of 16th June, 1875, until 28th October, 1889. By the report then made it was found that the capital of the estate was \$28,100.27; that all the lands and personalty had been realized and the debts paid; that at the death of Mary McMichael her annuity was in arrear \$4,889.57, and that at 1st June, 1889, the annuity payable to Harriet Dalton was in arrear \$5,008.49, and that the legacy to William had been paid in full, and that none of the other legacies had been paid. A decree on further directions was made on 22nd September, 1890, by which it