INDEX.

Married woman-Continued.

Liability of husband for acts of, as executrix, 109, 110 Limited grant to, 117

Grant refused to executor of, 248

Descent of property of, 253

Mobilia sequentur personam, 48, 334

Motion-

Proof of lost or destroyed will on, when next of kin consent, 170 In England in non-contentious matters, 289

Upon notice of, appearance to be entered, 290

Proof, upon non-appearance, 290

Time for appearance to is ten days, 290

Opposed, is contentious, 290

Practice in Ontario upon, 291

When necessary in England upon:

(1) Escheats, 291

- (2) Application for administration by creditor or person with inferior claim, 291
- (3) De bonis non to one having a derivative title only, 292

(4) Upon presumptive proof of death, 293

(5) Lost will, 293

(6) When doubtful who should receive grant, 293

(7) For grant in special circumstances under sec. 73 (59 in Ont.),

(8) Grant de novo, by reason of incapacity of representative, 293

(9) Limited grant applied for when applicant entitled to general, 293, 294

Not necessary for grant limited to part of estate unadministered, 294 Difference between rules in England and Ontario, 294

Examples of grants on motion, 294

Temporary grants during absence of representative, 295

(10) Administration ad bona colligenda, 296

(11) For revocation, 296

(12) After failure of next of kin to appear, 296(13) Motion for order to bring in testamentary papers, 297

Persons entitled to notice of motion also entitled to copies of material in support, 298

Next of kin-

n

Definition of, 198

Description of, in petition for administration, 183

Determined by rules of civil law, 195

Discretion to make grant to, in preference to widow, 197

Consent of when necessary to grant of administration to widow, and one of the kin, 197

How degrees of relationship are computed, 199

Must be cited before grant of administration to creditor, 203

General citation to, when relations unknown, 203

Degrees of relationship, 205-7

Applicants for administration must cite next of kin residing in Ontario, 208

When no next of kin in Ontario, citation must be by advertisement, 208 When kinship ascertained, 212, 253

Not entitled as against residuary legatee to administration with will annexed, 244

When also residuary legatee, entitled to grant as of right, 246

Entitled to administration with will when there is no residuary legatee, 246