

a reasonable one. The costs of a reference should be avoided, if possible, by the plaintiffs consenting to the defendant having credit for \$2,980.03 on the two sums mentioned; but, if the plaintiffs should not consent, they should have a reference, and in such event the defendant should be at liberty to amend her claim of set-off by claiming an amount in excess of that set forth in the particulars. Costs of the reference should be in the discretion of the Master.

The judgment should declare the defendant entitled to remuneration for her and her sister's services; and the defendant should have her costs here and below, to be deducted in the first instance from the balance, if any, found due by her on taking the accounts; otherwise to be payable by the plaintiffs; and, subject to the payment of the defendant's costs, the plaintiffs should be paid their costs as between solicitor and client out of what remained of the money.

CLUTE, J., agreed in the result, reading a judgment in which he discussed the evidence and reviewed the authorities.

RIDDELL and KELLY, JJ., concurred.

Appeal allowed.

HIGH COURT DIVISION.

MIDDLETON, J.

APRIL 30TH, 1918.

RE HANCOCK.

Will—Construction—Division of Estate—Legacies—Interest—Issue of Legatees—"Accumulation."

Motion by three of the trustees under the will of Joseph Hancock, deceased, for an order determining certain questions as to the construction and meaning of the will and a codicil thereto

The motion was heard in the Weekly Court, Toronto.

J. L. Counsell, for the applicants.

H. J. McKenna, for a class of adult beneficiaries.

J. C. M. Gorman, for Helen C. Conn and for another class.

F. W. Harcourt, K.C., Official Guardian, for the infant grandchildren of the testator.