

HON. MR. JUSTICE MIDDLETON.

FEBRUARY 6TH, 1913.

RE GILBERT.

4 O. W. N. 771.

*Will — Construction — "Foundling Children" — Charitable Bequest.*

MIDDLETON, J., determined whom should share in a bequest to institutions for the care of foundling children in the city of Toronto.

Motion by executors for an order determining who should take under a bequest to institutions for foundling children in the city of Toronto.

J. E. Jones, for executors.

W. B. Raymond, F. C. L. Jones, J. M. Ferguson, T. L. Monahan and S. S. Mills, for various claimants.

HON. MR. JUSTICE MIDDLETON:—On the notice of motion I have marked the names of those institutions which appear to come within the terms of the bequest. Let the money be divided among these after payment of the executors costs. The charities so taking can pay their own costs.

Editor's Note.—The institutions declared to take under this bequest were the Infants' Home and Infirmary, the St. Vincent's Infants' Home, the Children's Home (Salvation Army), the Children's Aid Society, the Children's Aid Society of St. Vincent de Paul, the Boys' Home, the Protestant Orphans' Home, the Sacred Heart Orphanage, and the Home for Incurable Children.

HON. SIR G. FALCONBRIDGE, C.J.K.B.

FEB. 8TH, 1913.

PARKS v. SIMPSON.

SIMPSON v. PARKS.

4 O. W. N. 829.

*Judgment—Refusal to Vary—Costs.*

DIVISIONAL COURT refused to vary judgment reported 23 O. W. R. 837.

Motion by Simpson to vary the minutes of the judgment of Divisional Court, 23 O. W. R. 837.