

satisfactory to the executors. Costs out of the estate. F. J. Hughes, for the applicant. G. G. S. Lindsey, K.C., for the widow, executrix. W. K. Murphy, for the co-executor. F. W. Harcourt, K.C., for the infants.

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RE DALY—ROSE, J.—SEPT. 20.

*Will—Construction—Widow's Annuity—First Charge on Net Income of Residuary Estate—Costs.*]—Motion by the executors of the will of Francis J. Daly for an order determining questions arising upon the terms of the will. The motion was heard in the Weekly Court, Toronto. ROSE, J., in a written judgment, said that there should be a declaration that the widow's annuity, including arrears, was a first charge upon the net income of the residuary estate. It was inexpedient to answer, at the present time, the other questions submitted. Costs of all parties to be paid out of income. Daniel O'Connell, for the executors. D. W. Dumble, K.C., for E. J. Brady and others interested. V. J. McElderry, for the widow of the testator and for others interested. F. W. Harcourt, K.C., for the infants.

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NATIONAL TRUST CO. v. MATHESON—ROSE, J.—SEPT. 20.

*Executors and Administrators—Settlement—Approval of Court.*]—Motion by the plaintiffs, administrators of the estate of an intestate, for an order approving of a settlement. The motion was heard in the Weekly Court, Toronto. ROSE, J., in a written judgment, said that further consideration had convinced him that the view suggested at the hearing, that the Court ought not to express an opinion upon the advisability of making the proposed settlement, but ought to leave the administrators to act upon their own judgment, was the correct one. There should be no order. R. McKay, K.C., for the applicants. F. Watt, for Martha Tytler and others. G. H. Sedgewick, for Mary Matheson.