

WILLIAM WATSON'S LEGATEES.

THE PETITION OF DR. HOUGHTON FOR THE INCOME DUE HIS CHILDREN DENIED.

William Watson, late of Westchester County, died leaving a large estate and a widow and several children, one of whom was the wife of Dr. Henry G. Houghton, of London, England. He also left a will, which was duly proved in 1877, and of which his son William and others are Executors. His widow and all his children, with the exception of Mrs. Houghton, who has since died, are still living. The estate consisted of a large amount of real and personal property. The will provided that certain real estate, personal property, and a sum of money sufficient to raise a net annual income of \$30,000, free from all taxes and charges, should be set apart for the use of his widow during her life, and after giving certain legacies to various persons he devised all the remainder of his estate, real and personal, including that set apart for the widow, to his Executors, to divide the same into as many equal shares as he should leave children, and pay the income of the same to them and their children. The amount of income so paid to Mrs. Houghton during the last year amounted to about \$20,000, and the income on that share for the current year will exceed that amount. Upon the death of Mrs. Watson the principal of the share of Mrs. Houghton's children will be increased upward of \$100,000. Five of the children—William F., Grace, Maria, Annie, and Gertrude Houghton—who are over 14 years of age, and the father of one under that age, presented a petition to the Surrogate of Westchester County showing the inability of the father to support and educate the children according to their station in life, that no general guardian has been appointed for the minors, and that the Executors are unwilling to pay to the father any portion of the income of the share of these minors without an order of the court, and they therefore pray for such order authorizing and directing them to pay to him such sum as may be proper for their support and education. Mr. George C. Blanke appeared for the petitioners and W. J. Osborne for the Executors.

Surrogate Coffin rendered his decree at White Plains yesterday morning, in which he says: "I think I have no power to make the order sought. Were it to be granted, it would afford no protection to the Executors. The father of these minors, Dr. Houghton, is merely the natural guardian of them, and as such can control their persons only. Under this will everything is, by its provisions, converted into legal assets in so far as these children's interests are concerned. He is not their general guardian, nor have they any. If any money were paid to him, this court could exercise no supervisory power or control over him as to his application of it, nor could he be called to account for its misappropriation." The petition is therefore denied.