

COLTON v. COLTON.

Circuit Court, D. California. September 22, 1884.

WILL—PRECATORY TRUST.

Colton v. Golton, ante, 594, followed, demurrer sustained, and bill dismissed.

W. W. & H. S. Foote and *Grove L. Johnson*, for complainant.

Crittenden Thornton and *Stanly, Stoney & Hayes*, for defendant.

SAWYER, J. This is a bill in equity seeking a decree declaring and enforcing a trust in favor of the sister of the late David D. Colton, deceased, claimed to arise out of the same clause of the will considered in the preceding case of *Colton v. Colton, ante, 594*. The same construction must, of course, be given to the clause in this case as was adopted in the other. For reasons in that case stated, the demurrer to the bill must be sustained and the bill dismissed; and it is so ordered.

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