

children who survived until that time. *Re Sandison*. (Court en banc, 1907), p. 313.

**2. Wills — Interpretation — Lands Subject to Charge — Property Primarily Liable for Payment of Debts — Which Debts are to be Paid — Duty of Executors.**—Where a testator devised a quarter section to one son, directing him to pay \$100 to each of two daughters; and to another son another quarter section, and all personal property and cash, directing the latter to bear all sickness and funeral expenses, to keep the testator's wife, and to pay her \$100 every year.—*Held*, that the quarter sections were respectively chargeable with the moneys directed to be paid by the respective devisees.—*Held*, also, that the specific devisees of the lands and the charging of them with the legacies and the annuity indicated that the testator had no intention of making them liable for the payment of debts unless there was not sufficient movable property or cash to satisfy these.—*Seem*, that the provisions of the Land Titles Act, 1891, 57 and 58 Vic. c. 28, s. 3, and 63 and 64 Vic. c. 2, s. 5, making land descend as personal property, have not altered the common law rule that the personal property is the primary fund for the payment of debts. *Held*, further, that the executors could not convey the lands to the devisees without seeing that the proper registrations were made, and that with the consent of the devisees the proper manner of carrying this out was for them to execute encumbrances to be handed in for registration at the same time as transfers in their favour from the executors. *Held*, lastly, that the costs of these conveyances and registration should be paid out of the estate. *Re McVicar*. (Wetmore, J., 1906), p. 363.

**3. Testamentary Capacity — Drunkenness — Sober Intervals — Unsoundness of Mind.**—A will made at a time when the testator was drunk, leav-

ing his property to trustees with an absolute discretion to pay or not to pay the testator's wife any part of the income, was set aside where it appeared that the testator was affectionate to his wife when sober, but the reverse when drunk. *Campbell v. Campbell*. (Scott, J., 1906), p. 378.

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#### WORDS, PHRASES, ETC.

- "Any cause or matter civil or criminal." — See CRIMINAL LAW, 6.
- "Claims and demands for debt whether payable in money or otherwise." — See SMALL DEBT PROCEDURE, 1.
- "Document containing an accusation." — See CRIMINAL LAW, 3.
- "Domestic Servant." See MASTER AND SERVANT, 2.
- "Equity." — See VENDOR AND PURCHASER, 3.
- "Foreign Company." — See COMPANY, 2.
- "Foreign Corporation." — See PRACTICE, 13.
- "Hawker and Pedlar." — See CONVICTION, 1.
- "Homestead." — See EXECUTIONS.
- "House and Buildings." — See EXEMPTIONS UNDER EXECUTION, 3.
- "Lands." — See ASSESSMENT AND TAXATION, 3.
- "Notice." — See ELECTIONS, 1.
- "Personal Baggage." — See RAILWAYS, 1.
- "Previously chaste character." — See CRIMINAL LAW, 2.
- "Receiving for registration." — See LAND TITLES ACT, 3.
- "Special property." — See PLEADING, 2.
- "Wholesale purchaser, etc., of stock." — See BANKS AND BANKING, 1.

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#### WRIT OF SUMMONS.

See PRACTICE, 1, 2—SOLICITOR, 1.