

The
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HIGH COURT OF JUSTICE.

FALCONBRIDGE, C.J.K.B.

NOVEMBER 4TH, 1912.

RE CAMPBELL.

*Will—Construction—Devise—Joint Tenancy—Survivorship—
Jus Accrescendi.*

Motion by John W. Campbell, a devisee under the will of Anne Campbell, deceased, upon the return of an originating notice, for an order determining a question arising upon the terms of the will.

W. S. Hall, for John W. Campbell.

R. A. Pringle, K.C., for the administrators of the estate of Martha S. Campbell.

Donald W. Fraser, surviving executor of Anne Campbell, though duly notified, did not appear on the motion.

FALCONBRIDGE, C.J.:—The question to be decided arises under the will of Anne Campbell, wherein, after certain specific bequests, the following paragraph appears:—

“I hereby bequeath unto my nephew John Campbell and my sister Martha Campbell jointly a piece of land situate west side of the south part of lot number 5 in the ninth concession of East Hawkesbury containing twenty acres of land more or less, and they are to pay my nephew George Campbell the sum of two hundred dollars within three years after my decease and the residue of my estate I give and bequeath to my sister Martha Campbell.”

At the time of the death of the testatrix, and for some years previous thereto, John W. Campbell resided with his aunt,