

to his mother, Mary Ann Scadding, on the 26th December, 1896. Charlotte Millicent was twenty-one on the 29th December, 1896. A. C. is still alive.

W. Bell, Hamilton, for the legatees.

C. A. Masten, for the executors.

MACMAHON, J.—Although the legacies became vested upon the legatees attaining majority, payment was postponed until the death of the widow, there being no fund out of which to pay until the event happened. The fund is a mixed one; the legacies are general; and the time of payment is fixed by the testator; and in such cases the rule is, that the legacies will carry interest from the arrival of the appointed period. It does not make any difference that the legacies are vested: Williams on Executors, 9th ed., p. 1290; Toomey v. Tracey, 4 O. R. 708; Lord v. Lord, L. R. 2 Ch. at p. 789. Order declaring that the executors should pay out of the estate interest upon the legacies from the dates of the legatees attaining majority. Costs of all parties out of the estate.

OSLER, J.A.

JUNE 30TH, 1902.

C. A.—CHAMBERS.

RE PRINCE EDWARD PROVINCIAL ELECTION.

WILLIAMS v. CURRIE.

*Parliamentary Election—Recount of Votes—Ballot Paper—Names and Numbers of Candidates—Error of Deputy Returning Officer in Tearing off Number—Number not Material—R. S. O. ch. 9, secs. 2, 69 (2), (3), (4), 106.*

Appeal by Williams from the decision of the Judge of the County Court of Prince Edward upon a recount of the ballots cast at the election, under sec. 129 of R. S. O. ch. 9. There were two candidates at the election. Their names and numbers were printed on the ballot papers in ink of different colours, as required by sec. 69 (3) of ch. 9. At 14 polling places in the electoral district the deputy returning officer in detaching the ballot paper from the counterfoil did so in such a manner that the candidates' numbers were left on and as part of the counterfoil, instead of being on and appearing as part of the ballot paper. If the ballot papers in that condition ought to have been rejected, the appellant candidate should have been returned as having the majority of legal votes. Section 69 (2) provides that every ballot paper shall contain the names of the candidates arranged alphabetically in the order of their surnames, and the ballot papers may be according to form 11 in Schedule A to the Act. By sub-sec. 3, the numbers and names of