

WAREHOUSEMAN'S RECEIPT.

Where a warehouseman sold 3,500 bushels of wheat, part of a larger quantity which he had in store, and gave the purchaser a warehouseman's receipt under the statute, acknowledging that he had received from him that quantity of wheat to be delivered pursuant to his order to be indorsed on the receipt.

*Held*,—(Mowat, V. C., dissenting)—that, the 3,500 bushels not having been separated from the other wheat of the seller, no property therein passed.

Box v. The Provincial Insurance Company, 552.

WEIGHT OF EVIDENCE.

See "Security on Real Estate."

WILFUL NEGLECT AND DEFAULT.

See "Lunacy," 1.

WILL, CONSTRUCTION OF.

1. A testator, after bequeathing an annuity to his wife, proceeded:—"I also give and bequeath to my said wife all my household furniture, goods, and chattels, of what nature or kind soever, and wheresoever situate; to have and to hold to her my said wife, her heirs and assigns, for ever;" and in subsequent clauses devised certain real property to different persons, and for different estates, and also bequeathed a number of annuities to different persons, charging them on his estate generally and disposed of his residuary real and personal estate:

*Held*, that the bequest to the wife, though large and comprehensive enough to pass the whole of the testator's personal estate, and though not inconsistent with the bequest to her of an annuity; yet, the subsequent bequests restricted the application of the bequest to personalty *ejusdem generis* with the particular description of property bequeathed; and the residuary bequest of personalty having failed through uncertainty as to the objects of the testator's bounty:

*Held*, that the wife was not entitled to it under the words of the bequest to her.

Davidson v. Boomer, 1.

2. A testator bequeathed to his wife maintenance or an annuity, at her option, to be furnished or paid by his sons R. and G., and gave divers legacies, some of which he directed his executors to pay; and as to others, including the legacy to the plaintiff, he did not say how they should be paid; he then devised his farm to his sons R. and G., subject to his