

only within a house, are much more restricted in their application. In the *Howe* case it was clear on the will that the testator meant the plaintiff should have Thornleigh just as he and the plaintiff were living in it, and the learned Judge had no doubt the testator intended the motor cars to pass to the plaintiff, and so determined.

A similar case is *Re Ashburnham, Gaby v. Ashburnham*, [1912] W. N. 234. The words of the devise were "all my furniture and effects at present at Aubrey Lodge." A motor car in a garage at Aubrey Lodge was held to pass, although not at Aubrey Lodge when the will was made; the words "at present at Aubrey Lodge" being considered merely descriptive. *In re Howe* is referred to and approved because of the wide scope of the words "household furniture and effects," and because the will shewed a clear intention to give Mrs. Tallyn everything in Thornleigh.

No similar intention can be observed in the present case as to this particular bequest. Having regard to the "collocation of words," *Re Hall*, [1912] W. N. 175, in which occur the words, "other articles of household use or adornment," I am impelled to the conclusion that the motor car does not pass to Mrs. Fleming, but falls into the undisposed of residue of the estate.

The final paragraph to be considered is as follows: "7. I devise and bequeath to my said cousin, Helen Grace Gillespie, any freehold or leasehold house with the lands belonging to or held with the same in Canada which may belong to me at the time of my death."

At the date of the will the testatrix owned no freehold land in Canada, but held under separate leases two leasehold properties in Toronto, on which were erected two semi-detached houses, one occupied by the testatrix and the other by Miss Gillespie and Miss Gillespie's sister. The houses were at the time of Miss Greenshields' death connected by a doorway in the third storey. After the will was made Miss Greenshields bought two freehold properties, one at Port Hope—on which was her summer home—and the other nearby, at Bowmanville. Nearly half of the latter property was conveyed in the lifetime of the testatrix to Miss Gillespie, and a cottage erected upon it in which Miss Gillespie resided during the summer. On the remaining part Miss Greenshields erected a garage, where she kept her motor car when she visited her cousin, as she frequently did, spending a