

Noyes attains the age of twenty years," must be read as referring to the last antecedent, the share of Violet—her "equal share"—otherwise the specific direction, "Gladys Laura Noyes is to receive her share on her twentieth birthday," is ignored.

The \$1,000 should be paid into Court now and be paid out when the person or persons entitled shall attain the age of 21 years, unless the Court otherwise orders. The testatrix intended that it should be paid at the age of 20, but that is not final where the will does not provide that the receipt of the infant is to be a sufficient discharge: *Re Robertson* (1909), 17 O.L.R. 568.

The \$1,000, with its fair proportion of interest since the date of the sale, should be paid into Court.

Gladys Laura will have her 20th birthday on the 4th April, 1920. If she lives to attain 21, her original share may be paid out to her without further order, but before that date only with the privity of the Official Guardian. The same terms will apply with proper modifications to Violet Maud as to her money, if there is no change of circumstances by death in the meantime.

Order accordingly. Costs of all parties of the application to be paid out of the residue—fixed at \$20 for the Official Guardian, \$30 for the administrators, and \$30 for the husband.

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SUTHERLAND, J., IN CHAMBERS.

DECEMBER 24TH, 1919.

GOIT v. SILK.

*Costs—Taxation—Sheriff's Costs of Interpleader Application—  
Interlocutory Motion.*

Appeal by the Sheriff of the City of Toronto from the ruling of the Taxing Officer that the costs of an application by the Sheriff for an interpleader order should be taxed as if the application were an interlocutory one.

H. F. Parkinson, for the Sheriff, contended that he should have been allowed such costs as were applicable to a motion upon originating notice.

Gordon McLaughlin, for the execution creditor.

A. D. McKenzie, for the claimant.

SUTHERLAND, J., in a written judgment, said that the decision in *Western Canada Flour Mills Co. Limited v. D. Matheson & Sons* (1917), 39 O.L.R. 59, was binding upon the Taxing Officer, and also upon a Judge in Chambers, and must be followed. The costs were therefore properly taxed as if costs of an interlocutory motion; and the appeal should be dismissed with costs.