

given to displace the statement in the deed that the grantee was in 1864 administrator of his father's estate. The piece of evidence adduced that Mrs. Crossley was appointed administratrix ad litem in 1860 for a limited purpose in Ontario, does not prove the statement as to 1864 to be inaccurate or erroneous. The onus was on the purchaser to shew a different state of facts, and he has failed to do so.

Appeal dismissed with costs.

MEREDITH, C.J.

DECEMBER 8TH, 1906.

WEEKLY COURT.

RE GAMBLE.

Will—Construction—Death of Devisee before Testator—Subject of Devise Falling into Residue—Death of One of Two Residuary Legatees and Devisees—Tenants in Common—Lapse as to Lands Devised—Survivor Entitled to Personality.

Originating notice for the determination of questions arising upon the will of Joseph Gamble.

H. Morrison, Lucknow, for the executors.

P. A. Malcolmson, Lucknow, for Mary Ann Carter.

F. W. Harcourt, for infants and other persons represented by him under order of Britton, J., dated 15th November, 1906.

MEREDITH, C.J.:—The will is dated 8th March, 1898, and by it the testator devised to his nephew Michael Gamble a farm in the township of Kinloss, and another farm in the same township to his sisters Mary Ann Carter and Catharine Harbourne, and, after bequeathing a legacy of \$300 to his nephew Wilfred Gamble to be paid by Michael Gamble, and appointing his executors, he devised and bequeathed the residue of his property to Mary Ann Carter and Catharine Harbourne.

Catharine Harbourne died in the testator's lifetime, and, by force of sec. 27 of the Wills Act, the undivided one-half