

3. The testator directed his executors "to cancel all claims I may have at the time of my death against my nephew, *H. T.* : and to cancel all promissory notes I may have against my nephew, *J. T.* ; and to cancel all claims I may have against *A. H.* : and such cancelling shall in no way be construed as satisfaction or part satisfaction of any legacies hereby given" :

*Held*, that this constituted these three persons legatees, and as such they were entitled also to share in the residue. *Ib.*

4. The testator gave to *M. E. R.* the household furniture and other chattels remaining after the death of the widow :

*Held*, that she also as such legatee was entitled to share in the residue. *Ib.*

5. *W. S.* and *J. S.* were entitled to the interest of purchase money invested on the sale of land :

*Held*, that they were thus annuitants, that as such they fell within the definition of legatees, and therefore were also entitled to share in the residue. *Ib.*

6. The testator, amongst other bequests of personalty, directed his executors, "On the death of my said wife, to pay over to the Wesleyan Methodist Superannuated Ministers' Fund, out of the pure personalty then in their hands, the sum of eight hundred dollars." There was no such charitable institution as the one named in Canada, but there was a society called "The Connexional Society of the Wesleyan Methodist Church," one object of which was the maintenance of a fund called "The Superannuated or Worn-out Preachers' Fund."

*Held*, that the testator having been resident in Canada, the presumption was, that it was a Canadian society he meant ; that "The Connexional Society" was entitled to receive this bequest, as the one most nearly answering the description given in the will ; that they were thus legatees, and, as such also entitled to share in the residue ; such society being entitled to hold lands to the annual value of £5000, and it was shewn that the land held by the society did not exceed £1000 a year ; and therefore though the residue was composed of both realty and personalty, the Statutes of Mortmain did not apply to prevent the society sharing therein. *Ib.*

7. A devisee of real estate is not a legatee, and therefore where such an one claimed a share in such residue, the Court refused him his costs. *Ib.*

8. A testator by his will dated 30th June, 1863, gave one half of his farm to his widow during her widowhood for the main-