

nature of the contest and the magnitude of the estate that the higher court should be the forum of trial. Much is left to the discretion of the High Court judge as to the disposal of each application.

And where the contest was over the will of a widow, whose husband died in 1905, leaving to her an estate valued at over \$27,000, which had shrunk at her death in 1907 to \$5,850, and the allegation was that she had not been able to protect herself against the undue influence of the chief beneficiaries, her two sons, to whom it was said a large part of her husband's estate had been transferred in her lifetime, an order was made for the removal of the cause into the High Court.

McLean Macdonell, K.C., Hughson, Harcourt, K.C., and Grayson Smith, for the various parties.

Boyd, C.]

RE HUDSON.

[April 3.

Will—Construction Gift of whole estate—Incomplete enumeration—"Appurtenances"—Farm stock and implements—"Household goods"—Money—Intestacy.

A testator by his will, after directing payment of debts, etc., proceeded: "I give, devise and bequeath a" my real and personal estate which I may die possessed of or interested in, in the manner following, that is to say: I give, devise and bequeath to my son W. my farm . . . which is my present residence, and all appurtenances connected therewith, with all my household goods of which I may die possessed:" and appointed an executor.

Held, that all the testator's estate, including money, farm stock, and farm implements, passed by the will to the son named.

Middleton, K.C., Sinclair and A. B. Macdonald, for the various parties.

The executor did not appear.

Falconbridge, C.J.K.B., Britton, J. Clute, J.]

[April 3.

WHALEN v. WATTIE.

Appeal to Divisional Court—Division Court appeal—Amendment—Filing certified copy of proceedings—Extension of time for—Jurisdiction.

A Divisional Court of the High Court, which is the court for hearing Division Court appeals, has no power to extend the