

an estate during widowhood only is conferred, that is enlarged by the residuary clause; and if, by reason of misdescription of one of the parcels mentioned in the first clause, no estate in it passed under that clause, that the residuary clause corrects. It gives, devises, and bequeaths to the widow all the residue of the testator's estate not in the will before disposed of. So, as to both parcels, the widow took title under the will subject to the payment of the just debts, funeral and testamentary expenses, and the legacy mentioned in the will.

BOYD, C.

JANUARY 21ST, 1903.

TRIAL

LAMB v. SECORD.

Chose in Action—Assignment of Legacy—Rights of Assignee for Creditors of Legatee—Interpleader.

Interpleader issue, tried at Hamilton. The plaintiff, F. H. Lamb, as assignee for the benefit of creditors of one Lawrason, affirmed, and the defendant, Melvin A. Secord, denied, that the plaintiff was entitled as against defendant to \$1,226,78 paid into Court in an action by the plaintiff against the executors of the will of Thomas W. Thompson to recover that sum as a legacy to Lawrason, the defendant also claiming the amount by virtue of another assignment.

A. B. Aylesworth and W. S. McBrayne, Hamilton, for plaintiff.

S. F. Washington, K.C., for defendant.

BOYD, C., remarked that a more unsatisfactory case than this in every way he does not remember to have had. He had puzzled over it with the utmost care, but found it impossible to reach any conclusion with confidence. It would take too long to write out all the incongruities and contradictions to be found in the materials; but, in brief, the least unsatisfactory result was to support the assignment of the legacy to defendant to the extent of \$500, and this much of the fund in Court is to be paid out to defendant, and the balance to plaintiff as assignee for Lawrason's creditors. The defendant to bear his own costs, and the plaintiff to get his out of the fund or estate.

MEREDITH, J.

JANUARY 22ND, 1903.

CHAMBERS.

RE KEATING.

Will—Legacy—Direction for Payment at Age of Twenty-five—Right to Receive at Majority—Declaration—Summary Application for.

Application by Charlotte Brown Wallbridge for an order directing the Toronto General Trusts Corporation to transfer