

Chancery Division.

MEREDITH, C.J.]

[July 16.]

TOWNSHIP OF MORRIS v. COUNTY OF HURON.

Statutes—Repeal of an Act—Exception—Interpretation Act—Effect of—Consolidated Municipal Act, 1892—55 Vict., c. 42, s. 533 (a); 57 Vict., c. 50, s. 14 (O.).

The saving provisions of s. 14 of 57 Vict., c. 50 (O.), do not operate so as by implication necessarily to exclude the application of the Interpretation Act, R.S.O., c. 1, s. 8, s-s. 43.

Held, that a township corporation which had obtained an award against a county corporation under s. 533 (a) of the Consolidated Municipal Act, 1892, for part of the cost of the maintenance of certain bridges, was, notwithstanding the repeal of s. 533 (a) by s. 14 of 57 Vict., c. 50 (O.), entitled to recover the same up to the date of the passing of the latter Act.

E. L. Dickenson for the plaintiff.

Garrow, Q.C., for the defendants.

MEREDITH, C.J.]

[July 18.]

THE TORONTO GENERAL TRUSTS CO. v. WILSON ET AL.

Will—Devise—Charitable bequest—Validity of—Discretion of executors.

A testator by his will devised as follows: "I give and bequeath to my executors out of my pure personalty the sum of \$10,500, to be paid out by my executors as follows: \$3,500 to Wycliffe College, \$3,500 to the Bishop of the diocese of Algoma for the support of missions of the said diocese, and the balance, to wit, the sum of \$3,500, towards the support of any mission or missions which may be undertaken or established by the Rev. E. F. W., the said Mr. W. having left the Shingwauk Home with the intention of establishing a new mission or missions elsewhere."

Held, that the bequest of the latter \$3,500 for the support of the missions to be undertaken was valid, but was not a bequest to the Rev. E. F. W., and that the executors had a discretion to apply the corpus of the fund, so far as it was necessary to resort to it, as well as the income, for the support of the missions.

Moss, Q.C., for the plaintiffs.

J. F. Dumble for defendant Wilson.

William Davidson for the infants.

Practice.

MEREDITH, C.J.]

[July 17.]

SUMMERFELDT v. JOHNSTON.

Costs—Taxation—Claim and counterclaim.

Where judgment is given for the plaintiff upon his claim with costs, and for the defendant upon his counterclaim with costs, the amounts to be set off,