

ant. I do not think it was necessary for him to have done so for the purposes he had in view upon the application. Having been notified, I think the executors were warranted in being represented on the motion to state their position in the matter and protect the interests of the estate.

It appears from the affidavit of one of the executors that it is asserted by them that the defendant owes the estate \$1,500 and interest, which, if set off against his claim with respect to the legacy, would more than exhaust it. Under these circumstances, and in the light of this claim on the part of the estate, of which the plaintiff had knowledge before serving his notice of motion, he asks therein that he be also appointed to contest for the defendant any right the executors may assert on behalf of the estate to set off any such alleged claim of the estate against the defendant's legacy. I think the plaintiff is entitled to be so appointed and do order and direct accordingly. Before so contesting the claim, he must first indemnify the defendant against costs.

It is said that the defendant is a non-resident, and that, upon this application, I should direct that, in case the plaintiff sees fit so to contest the claim of the estate against the defendant, he should be directed first to give security for costs. I do not think it necessary or appropriate to make such an order at this time. I am not at all disposing of the matter finally, or precluding the estate from or prejudicing it in making a future application for that purpose, in case the executors should be so advised and it becomes necessary.

The plaintiff will have his costs of the motion as aforesaid. The executors will have costs against the plaintiff, but limited to the costs of a formal attendance upon the application.

LATCHFORD, J.

MARCH 22ND, 1912.

RE WOLFE AND HOLLAND.

Will—Construction—Devise—Life Estate with Power of Appointment—Title to Land—Description—Vendor and Purchaser.

Motion by the vendors, under the Vendors and Purchasers Act, for a declaration that the objections made by the purchaser to the title to certain lands in Ottawa were invalid.