

Toronto, [1908] A.C. 493, it assuredly would be unjustifiable; yet—notwithstanding all these things—I cannot but think that the question of priority of registered owner or tax sale purchaser, might have been raised before the Master during the three months suspension of registration of the tax sale purchaser; and that, if so raised, the tax sale purchaser would not have been registered.

But the evidence adduced upon this application is meagre, and it may not have been known, when evidence might have been given, what facts would be material; therefore, if the respondents desire to controvert any of the essential facts which I have found against them, they may take an issue for the trial and determination of them in the usual manner, and in the meantime this application will stand adjourned sine die, with liberty to either party to bring it on again on two days' notice; and further directions and all questions of costs will be reserved for consideration after the determination of the issue.

MIDDLETON, J.

FEBRUARY 21ST, 1914.

RE PALMER.

Will—Construction—Reference by Testatrix to Will of Husband—Bequest of "What he Gives me and for my Disposal"—Husband Dying Intestate—Wife's Bequest Inoperative as to Share of Husband's Property Coming to her upon his Intestacy—Intestacy of Wife as to that Share.

Motion for an order determining the proper construction of the will of Rhoda B. Palmer, deceased.

The motion was heard in the Weekly Court at Toronto on the 19th February, 1914.

J. H. Fraser, for the executors.

A. Monro Grier, K.C., for those opposed in interest.

A. C. McMaster, for the children of Josiah Packard.

MIDDLETON, J.:—The question arises with reference to the provision made in the first clause of the will for the family of the testatrix's brother Josiah. It is admitted that this clause operates to give to them the life insurance, the silver, and the contents of the house, save the articles particularly bequeathed. The point in question is as to some \$13,000 to which the testatrix