

The judgment of the Court was delivered by MEREDITH, C.J.C.P., who said that the facts of the case were simple, and there was no substantial contention as to them: he should have thought the rights of the parties plain.

The order in question should be varied to this extent: execution of the judgment for any amount in excess of \$13,000 should be stayed pending disposition of the defendants' claims against the plaintiffs or other order of this or the High Court Division. The parties to proceed to a trial of the defendants' claims, including all claims respecting State taxes, forthwith, with liberty to apply to this or the High Court Division to remove the stay, for any cause which may arise. If the defendants are successful in any of their claims, the amount awarded them to be set off *pro tanto* against the plaintiffs' judgment. Costs of this appeal to the plaintiffs unless the defendants reduce the plaintiffs' judgment substantially below the amount of it, otherwise to the defendants. If the defendants choose to pay the money into Court, they may do so, and the execution will be stayed.

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#### HIGH COURT DIVISION.

MEREDITH, C.J.C.P.

SEPTEMBER 22ND, 1916.

#### RE MURRAY.

*Will—Construction—Specific Gifts of Company-shares—Absorption of Company by New Company after Date of Will but before Death of Testator—Testator Holding at Death no Shares in Company Named in Will—Substitution of Shares in New Company—Validity of Gifts.*

Motion by the executor of Charles Stuart Murray, who died in 1913, for an order determining certain questions arising in the administration of the estate of the deceased as to the interpretation of his will.

See the note of a former judgment in regard to the same will: *Re Murray* (1915), 8 O.W.N. 463.

The motion was heard in the Weekly Court at Toronto.

A. E. Knox, for the executor.

C. F. Ritchie, for Bertha Forlong and others.

H. M. East, for Adelaide Gouinlock.