

# The Ontario Weekly Notes

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## HIGH COURT OF JUSTICE.

MEREDITH, C.J.C.P.

OCTOBER 4TH, 1909.

### RE CONGER.

*Will—Construction—Enumeration of Properties without Specific Disposition — Previous Direction for Payment of Debts — Subsequent Residuary Bequest.*

Motion by E. M. Conger for an order under Rule 938 determining a question arising upon the will of Stephen Marshall Conger.

The will was made upon a printed form. It began: "This is the last will and testament of me Stephen Marshall Conger of the town of Picton in the county of Prince Edward." Then came a clause revoking all former wills and testamentary dispositions. Then the direction that "all my just debts funeral and testamentary expenses to be paid and satisfied by my executors hereinafter named as soon as conveniently may be after my decease." Then this paragraph: "I give devise and bequeath all my real and personal estate of which I may die possessed in manner following this is to say." Then, under six heads, were enumerated various properties, consisting mainly of real estate, but including the half interest of the testator in the Picton "Gazette" printing office and contents, including notes, accounts, etc. These six enumerated parts of the property were written in. Then followed in print: "All the residue of my estate not hereinbefore disposed of I give devise and bequeath unto—" and then in writing: "McDonald Conger my son and my daughter Mabel Lynette Conger,