

Thomson v. Trevanion (1693), Skin. 402; Rouch v. Great Western R. W. Co. (1841), 1 Q.B. 51, 60; Perkins v. Vaughan (1842), 6 Jur. 1114; Fellowes v. Williamson (1829), Moo. & Malk. 306; Wright v. Tatham (1838), 5 Cl. & F. 670, 689.

The actions should be consolidated and judgment entered for Matchett against the Stoffels for \$623.37, less \$449, with interest on \$350 at 12 per cent. from the date of the receipt thereof by Matchett to the 9th February, 1916; interest at 5 per cent. should be allowed on the balance to the date of the entry of judgment. Upon payment by the Stoffels of the amount found due, Elizabeth Stoffel is entitled to a reconveyance of the lands conveyed by her to Matchett and to a discharge of the mortgage made by her in his favour. No costs in either action.

MIDDLETON, J.

MAY 22ND, 1916.

# RE HORD.

*Will—Construction—“Farm Stock and Implements and other Personal Effects”—“Household Effects”—Money and Securities for Money—Residuary Bequest—Persons Entitled to Share—Legatees—Inclusion of Devisees.*

Motion by the executors of John Hord, deceased, for an order determining certain questions arising as to the construction of the will of the deceased.

After directing payment of his debts, the testator disposed of all his real and personal estate, first by giving to his son Peter a certain farm; then to his son John another farm, charged with certain provisions for the maintenance of the testator's widow. Then followed four legacies, one to each of the testator's four daughters, amounting in the whole to \$1,500. He then directed that a third parcel of land should be sold, and that the legacies to the daughters should be paid out of the proceeds of the sale of his personal property, except his household effects, and out of the proceeds of this lot. The household furniture and effects, save two articles left to a daughter, were given to the wife. Then followed this provision: “I direct that should my son Peter . . . choose to take all my farm stock, and implements and other personal effects except my furniture and household effects and pay the hereinbefore mentioned legacies out of the same he may do so.” All the residue of the estate not disposed of, he gave “unto my said legatees herein mentioned share and share alike.”