

HON. MR. JUSTICE MIDDLETON.

JUNE 11TH, 1912.

RE THORNTON.

3 O. W. N. 1371.

*Will — Construction — Devise — General Residuary Gift — Description of Land Owned by Testator—Sale of that Land and Acquisition of Other Land—After-acquired Land Passing Under Residuary Devise.*

Motion by Letitia Robbins, one of the next of kin of the late W. H. Thornton, for an order determining a question arising upon the construction of his will.

J. C. Payne, for the applicant.

N. B. Gash, K.C., for the executors and residuary devisees.

HON. MR. JUSTICE MIDDLETON :—This appears to me to be a particularly plain case. The testator gives his nephew and niece all his residuary estate and then adds "my real estate is," etc. This parcel of land was sold and other land purchased.

The description given of the land owned at the date of the will does not in any way cut down the wide operation given to the general words used in the residuary devise, and clearly the after-acquired land passed. So declare. The applicant will have no costs. The executors and residuary devisees may have theirs out of the estate.

MASTER IN CHAMBERS.

JUNE 6TH, 1911.

LLOYD v. STRONACH.

3 O. W. N. 1349.

*Venue — Change — Motion for—County Court Action — Witnesses —Convenience.*

Motion by the defendants to transfer the action from the County Court of the county of Huron to the County Court of the county of York. The action was for an account of sales of apples by the defendants for the plaintiff. The defendants swore to ten witnesses in Toronto, besides themselves, giving names and what the witnesses would be called to prove. The plaintiff swore to six witnesses in the county of Huron, but