

made. By the provisions of the Towns Incorporation Act, R.S., c. 71, s. 170, all public streets, roads, etc., were vested absolutely in the town, and the town council were given full control over the same.

Quære, whether, after the passage of this Act, the Crown had any further control over the portion of the Cornish town road lying within the limits of the town.

Held, that the statute was not to be construed as not applying to the road in question merely because it had not been used or was wider than was required, and that the grant was one which the court had jurisdiction to vacate.

The right of the town to expropriate the land in question was contested on the ground that being Crown land the Act enabling the expropriation to be made (Acts of 1899, c. 84) did not apply.

Held, that the absence of authority, if any, was removed by the act ratifying and confirming the expropriation proceedings (Acts of 1900, c. 66).

T. R. Robertson, for appeal. *H. A. Lovett*, contra.

Full Court.]

PAULIN *v.* TOWN OF WINDSOR.

[March 8.

Will—*Bequest for public purposes—Fulfilment of condition—Words "or otherwise"—Ejusdem generis.*

G.P.P., by his last will and testament, directed his executors to transfer and pay over to the corporation of the town of W. the sum of \$20,000 "to assist in building, maintaining and supporting a hospital . . . so soon as the like sum . . . should be procured by the corporation by a tax on the citizens or from private donations or otherwise to be added to the said bequest." The corporation claimed that the sum of \$20,000 required had been procured by means of a grant of the sum of \$14,000 from the Province of Nova Scotia and by private donations, and claimed payment of the sum of \$20,000 by the executors.

Held, that the obtaining of the sum granted by the province carried out the obvious intention of the testator, viz., the establishment of an hospital and was covered by the words "or otherwise" in the will, and that the corporation was entitled to claim payment of the legacy.

Per WEATHERBE, J., dissenting, that the words "or otherwise" must be read as referring to other sources ejusdem generis. Also that the sum granted by the legislature of the province was not given for such an hospital as that contemplated by the will, viz., "an hospital for the use of the inhabitants of the town of W."

W. B. A. Ritchie, K.C., for appeal. *H. Mellish*, K.C., and *J. A. Kenny*, contra. *W. M. Christie*, for executors.