

are, "la marque de commerce dûment enregistrée ou le nom d'une autre personne," and indicate more plainly that the words "duly registered" are confined to the trade mark and do not apply to the name.

Sub-section 2 of sec. 449 supports this construction. . . .

I think, therefore, that the question should be answered by saying that it is sufficient if the name of another person is upon the bottle, and that it is not necessary that such name should be registered as a trade mark.

FALCONBRIDGE, C.J.,

FEBRUARY 25TH, 1905.

WEEKLY COURT.

RE WATSON.

Will — Legacy — Debt Due by Testator to Legatee — Presumption that Legacy Intended as Satisfaction of Debt — Circumstances Rebutting Presumption.

Motion by Henry Richard Watson, executor under the will of Richard Watson, deceased, for an order declaring the rights of the applicant and of Frances Josephine Watson, the two children of testator, under the will.

L. F. Heyd, K.C., for applicant.

F. W. Harcourt and G. C. Campbell, for Frances Josephine Watson.

FALCONBRIDGE, C.J.—Thomas Watson, brother of testator, by his last will and testament, devised and bequeathed to Henry Richard Watson and Frances Josephine Watson all his property, real and personal, to be divided between them in equal shares, and he appointed Richard Watson (the testator in the present case) and another, executors of his will. This will was dated 12th July, 1893, and probate thereof was granted to this testator, Richard Watson, on or about 21st February, 1895.

Richard Watson never divided or paid the money bequeathed to Henry Richard Watson or his sister Frances Josephine, but retained the same, and it formed a part of his, Richard Watson's, estate. The estate of Thomas Watson, after paying expenses, would amount to less than \$2,000, so