

after the wife's death for his two daughters left his business and the residue of his estate to his two sons. In case of the death of either or both of the daughters without issue it was provided that her or their shares of the estate should become part of the residue thereof and be divided equally among the survivors and the issue of any child who should then be deceased. One of the daughters having died without leaving issue,

Held, that the use of the words "survivors" and "child" in the clause in question excluded the idea that the share of the deceased daughter was to go to the two sons as part of the residue of the estate, and indicated an intention on the part of the testator that this particular part of the residue was to be divided equally among the surviving children of the testator and the issue of any deceased child, and that it was only subject to this disposition that all the rest and residue of the estate was to go to the two sons exclusively.

W. B. A. Ritchie, K.C. and *T. R. Robertson*, for appellants.
J. A. McDonald, for respondents.

BENCH AND BAR.

Thomas G. Mathers, of Winnipeg, barrister at law, has been appointed puisnè judge of the Court of King's Bench for the Province of Manitoba, in the room and stead of Hon. John Farquhar Bain, deceased.

William H. P. Clements, of Grand Forks, B.C., barrister at law, has been appointed judge of the County Court of Yale, of the County Court of Kootenay, British Columbia, in the place of the late Judge Sidney.

The Middlesex Law Association on the 24th ult. passed a resolution expressing their profound regret at the death of His Honour William Elliott, late judge of the County Court of Middlesex. The resolution says:—

"We who have been associated with him so intimately for so many years while he occupied the bench of this county, look back with pleasure on a long, useful and honourable life which has left its mark in the administration of justice in this section of our Province, and has doubtless borne fruit for good. The late judge was a most accomplished man, besides being a good lawyer, he was gifted with literary talent of a high order, and was a most delightful conversationalist. He was always kind, courteous and patient, not only with older members of the bar, but the juniors received the same kind consideration at his hands, and we all revere and respect his memory."