

THE
ONTARIO WEEKLY REPORTER

VOL. 26.

TORONTO, JUNE 11, 1914.

NO. 7.

HON. MR. JUSTICE LATCHFORD.

MAY 2ND, 1914.

RE JULIA GREENSHIELDS ESTATE.

6 O. W. N. 303.

Estates—Devolution of Estates Act—Undisposed of Residue—Collaterals—Half-blood—Whole-blood—Automobile—Ejusdem Generis, Doctrine of—“Any,” as Equivalent to “Every.”

LATCHFORD, J., *held*, that sisters and brothers of half-blood of mother of testatrix are under Devolution of Estates Act, R. S. O., c. 119, s. 30 entitled to rank as sole next of kin to the exclusion of descendants of brothers and sisters of the half-blood or whole-blood of the mother or father of testatrix: the fact that they are but of the half-blood not limiting their right.

Pett v. Pett (1701), 1 Salk. 250, 91 Eng. Rep. 220; *McEachren* (1905), 10 O. L. R. 199; and *Re Wagner* (1903), 6 O. L. R. 680; followed.

That, under rule of *ejusdem generis*, an automobile is not included in a bequest of “furniture, plate, linen, china, glass, books, pictures, works of art, musical instruments, and other articles of household use or ornament.”

Re Howe, Fernichough v. Wilkinson, [1908] W. N. 223; *Re Ashburnham, Gaby v. Ashburnham*, [1912] W. N. 234, and *Re Hall*, [1912] W. N. 175, followed.

That the word “any” in the devise of “any freehold or leasehold house,” was used in the senses of “every.”

New Haven Y. M. C. A. v. New Haven, 60 Conn. 32, 39, approved.

Motion by the executors of Julia Greenshields, late of the city of Toronto, spinster, deceased, by way of originating notice, for an order determining the following questions:

1. Are Geraldine Paterson, a sister of the half-blood, and Hartland St. Clair MacDougall, a brother of the half-blood of the mother of the said testatrix, Julia Greenshields, both of whom are living, the sole next-of-kin of the said testatrix, or are Dora Bell and others, children of brothers and sisters of the half-blood of the mother of said testatrix and children of brothers and sisters of the whole-blood of the mother and of the father of said testatrix, entitled to rank as next-of-kin of the said testatrix and entitled to share in the residue undisposed of of the estate of the said testatrix?