

borough (the testator's sister) and her daughter having died in the lifetime of the testator, the legacies to them lapse, and will fall into the residue, and will pass to the wife, if the bequest to her can be regarded as residuary.

It is in these words: "I give to my wife my household effects, including beds and bedding, also any other chattels or personal effects I may die possessed of." The legacy which lapses is of "all moneys on hand or in the bank and all other securities for money."

In *Re Way*, 6 O. L. R. 614, Osler, J.A., has collected the cases which go to shew that general words such as these used in the bequest to the widow must receive a large and liberal meaning, when it is necessary to avoid an intestacy. I would also refer to the language of Knight Bruce, V.-C., 1 Y. & C. Ch. 290, adopted by the Court of Appeal in *Anderson v. Anderson*, [1895] 1 Q. B. 749, as indicating the true principle applicable.

The order will therefore declare that, Harriet Wansborough and her daughter having died in the lifetime of the testator, the bequests to them lapsed and pass to the widow under the residuary bequest.

Costs of all parties out of the estate—executors' and Official Guardian's as between solicitor and client.

DIVISIONAL COURT.

MAY 26TH, 1910.

### ARNOLD v. STOTHERS.

*Negligence—Injury to Person—Unsafe Condition of Sand Pit—Knowledge of Danger — Assumption of Risk — Master and Servant — Duty of Master — Owner of Premises — Duty to Person Lawfully Entering.*

Appeal by the defendants from the judgment of BOYD, C., in favour of the plaintiff, upon the findings of a jury, in an action for damages for personal injuries sustained by the plaintiff owing to the negligence of the defendants, as the plaintiff alleged.

The plaintiff, who was a teamster in the service of the defendant Stothers, on the 11th December, 1908, in the ordinary course of his employment, went to the defendant Gaby's sand pits to obtain a load, arriving there shortly after 5 p.m. At the place