

legacy of \$100 to George Warner, and give and bequeath to him \$50 in cash in lieu thereof, to be paid in 3 months after my decease." This withdraws the legacy out of the preference which it had while made subject to clause E., and this bequest must abate.

The legacy to Bert Day of \$1,000 under the first codicil ranks for privilege under clause E., but not so the further bequest of \$600 made to him in the second codicil—which is given "in addition to" the provision heretofore made in his favour. The words are not sufficiently expressed to create a preference.

To an infant, William Warner, is given \$50 stock in the Stratford Clothing Co. It appears that the shares represent \$100 each, and are not divisible. All parties agree that the best practical plan to solve the difficulty is to sell one share and account to the infant for half the value obtained; with this I agree.

A bequest of \$2,000 to the city of Stratford for the benefit of poor boys and girls between 6 and 11 years of age, which is increased by the first codicil to \$4,000, appears to be valid as a good charitable bequest. It falls within the authority of *Re Kinney*, 6 O. L. R. 459, 2 O. W. R. 81.

The devise of lots to the City of Stratford for the same purposes as are set out in a conveyance made during the testator's life, to the city, is questioned. . . . The lots were conveyed by the testator for the purposes of a park, and these lots adjoin the others and are less than 20 acres in all. The deed was made in 1905, and the codicil in March, 1906, in which month the testator died. The lots in the will were evidently to supplement the lots conveyed by the testator so as to make the park a more commodious resort for recreation and enjoyment on the part of the citizens. He provides in the last clause of the first codicil for the expenditure of \$100 in erecting an arch and gateway as an entrance to the said park property. By the general Act relating to Public Parks, R. S. O. 1897 ch. 233, sec. 12, real and personal property may be devised, granted, or given to the city for the establishment and formation of a park. The origin of this provision dates back to 1883: 46 Vict. ch. 20, sec. 12. Standing by itself,