

fied by a mere recital, applies to a document of this kind. All artificial rules are, I think, to be invoked only as a last resort. The rule invoked is much on a par with that which has defeated the intention of testators, that the last clause in a will has greater effect than an earlier clause, now commonly referred to as only "a rule of thumb."

For these reasons, the action fails, and must be dismissed with costs.

DOEL V. KERR—MASTER IN CHAMBERS—FEB. 16.

Execution—Renewal—Ex parte Order—Judgment—Statute of Limitations.]—Motion by the defendants for leave to issue execution against the executrix of the plaintiff; and motion by the plaintiff to set aside an ex parte order made by the late Master in Chambers on the 17th November, 1908. Judgment was recovered in this action against the plaintiff in or about the month of January, 1884, for the sum of \$333.12, and a writ of fieri facias against the goods and lands of the plaintiff was placed in the hands of the Sheriff of the County of York. The writ was renewed from time to time up to November, 1905. On the 17th November, 1905, the late Master in Chambers, on the application of the defendants, made an order that the defendants be at liberty to issue an alias writ of execution against the plaintiff, notwithstanding that six years had elapsed since the said judgment. The circumstances under which the order was issued were set out in the affidavit filed on behalf of the defendants, viz., that the writ of fieri facias was sent to Toronto to be renewed, but through inadvertence it was mixed with other papers, and went to St. Thomas, and was returned to Toronto too late for renewal. The original writ of execution had expired before the ex parte order allowing the issue of an alias writ of execution was made. The Master said that this order should not have been granted ex parte, referring to *Joss v. Fairgrieve* (1914), 32 O.L.R. 117; *National Bank v. Cullen*, [1894] 2 I.R. 683. When the defendants failed to renew their execution in 1905, the judgment became barred by the Statute of Limitations, and the ex parte order made by the late Master in Chambers could not operate to revive it. See *Poucher v. Wilkins* (1915), ante 670. The defendants' motion dismissed with costs. W. Lawr, for the defendants. C. C. Ross, for the plaintiff.