

terms, having regard to Rule 474, the ten days were to be reckoned exclusively of the day of service, and the defendants had the whole of the 6th February to appear.

L. G. McCarthy for the plaintiffs.

D. W. Saunders for the defendant Atkinson.

Chancery Division.

Div'l Court.]

[Jan. 22.]

RE BAJUS.

Benevolent societies—Insurance money—Claimed by different parties—Paymen into court—O.J.A., s. 53, s-s. 5.

On an application by a benevolent society for leave to pay insurance money into court claimed by different parties, it was

Held, (reversing FERGUSON, J.) that subsection 5 of section 53 of the Judicature Act extended the benefit of the Acts for the relief of trustees to such cases, and that the society was entitled to pay the money in.

Warren Totten, Q.C., for the society.

G. M. Macdonnell, Q.C., for a claimant.

STREET J.]

[Feb. 5.]

MULCAHY v. COLLINS ET AL.

Married woman—Separate estate—Contract respecting.

A married woman, having been informed by a relative that he had made his will in her favour, signed a promissory note three days after his death and before she had seen the will, and some weeks before it was proved.

The will gave her a vested interest in the property bequeathed.

Held, that she had sufficient knowledge of the existence of her interest to enable the court to decide that she contracted with respect to it.

W. Macdonald for the plaintiff.

W. H. Blake for the defendants.

BOYD, C.]

[Oct. 27, 1893.]

OSTROM ET AL. v. ALFORD ET AL.

Will—Devise to trustees of a church—Object of—Direction as to—Mixed fund—Derived from realty and personalty—Failure as to realty—How fund applied.

A testator by his will devised \$500 to the trustees of a church "to be . . . used in the payment of any indebtedness on said church, and for such other purposes as they deem wise."

Held, that that meant outlay in connection with the church, such as repair and maintenance, or any obligation incurred for which the land was not liable, and following *Bunting v. Marriott*, 19 Beav. 163, the bequest was good.