

CHANCERY DIVISION.

LONDON, June 7, 1889.

Before KEKEWICH, J.*Re* CAZENOVE.CAZENOVE *v.* CAZENOVE.*Legacy—Abatement—Immediate Legacy to Widow.*

A testator bequeathed a legacy of 1,000*l.* to his wife, to be paid to her immediately after his decease, but the will contained no indication as to priority of payment. The estate being insufficient for payment in full of all the legacies, the question arose whether, having regard to the decision in *Re Hardy*; *Wells v. Barwick*, 50 Law J. Rep. Chanc. 241; L.R. 17 Chanc. Div. 798, the 1000*l.* legacy must be paid in full or should abate.

KEKEWICH, J., followed the decision in *Blower v. Morret*, 2 Ves. Sen. 420, and dissenting from *Wells v. Barwick*, held that the legacy must abate.

APPEAL REGISTER—MONTREAL.

Thursday, Nov. 21.

Bastien & Charland.—Motion for dismissal of appeal granted as to costs. Motion for substitution granted.

Bastien & Chagnon.—Same entries.

Hill & Ferreri.—*Désistement* by respondent Ferreri from interlocutory judgment, and discontinuation of his action. No one appears. C.A.V.

Laforce & Le Maire et al. de Sorel.—Heard on merits. C.A.V.

Webster & Taylor.—Heard. C.A.V.

Montreal Loan & Mortgage Co. & Leclair.—Motion for substitution granted.

Friday, Nov. 22.

Barnard & Molson.—Motion that the declaration and plea in the original action be joined to the record. C.A.V.

Robin Lapointe & Brière.—Motion for substitution granted; costs to follow suit.

Brulé Bussières & Prevost.—Heard. C.A.V.

Marion & H. M. Postmaster General.—Heard. C.A.V.

Saturday, Nov. 23.

Barnard & Molson.—Motion of Nov. 22 granted.

Banque Jacques Cartier & Lalonde.—Motion for leave to appeal rejected.

Stanton & Canada Atlantic R. Co. & Bank of B. N. A.—Petition to take up instance granted, with option to defendant to declare within 15 days whether he contests the signature; and to plaintiff to file further proof of same.

Hill & Ferreri.—Ordered that the copies of *désistement* filed, be received as part of the record, the Court not having to pronounce thereon.

Cie. de Chemin de Fer Urbain & Wilsam.—Confirmed.

Marchessault & Durand.—Confirmed.

Champagne & Ross.—Confirmed.

Low & Gemley.—Confirmed. Motion for appeal to Privy Council. To stand till 25th. *Glasgow & London Ins. Co. & Lord.*—Confirmed.

Browne & Lord.—Confirmed.

Dick & Canada Jute Co.—Two appeals. Confirmed.

Canada Jute Co. & Dick.—Confirmed.

Leclair et al. & Dessaint.—Reformed as to amount of damages which are reduced to \$2,000. Costs of appeal in favour of appellants.

Monday, November 25.

Nordheimer & Hutchinson, & Campbell et al.—Petition *en reprise d'instance* granted.

Stanton & Canada Atlantic Railway Co.—Motion of D. N. Stanton, petitioner for *reprise d'instance*, for leave to withdraw original sale and transfer from Balch to Stanton, upon depositing certified copy. Granted.

Wells & Burroughs.—Motion to dismiss appeal. Rejected without costs.

Tarte dit Larivière & Tuillefer.—Petition for leave to appeal from interlocutory judgment. C. A. V.

Hampson & Wineberg.—Motion for leave to appeal from interlocutory judgment. C.A.V.

Low & Gemley.—Motion for leave to appeal to Privy Council. Granted.

Exchange Bank & Fletcher.—Hearing resumed and closed. C. A. V.

Peloquin & Cardinal.—Heard. C. A. V.

Commissaires d'Ecole de la paroisse de St. Marc & Langevin.—Part heard.