

upon the true construction of the codicil, the provisions made by the will for the wife of the testator, other than that as to the insurance-money, were not revoked, and that under the codicil the three daughters took only one half of the residue, subject to the provisions of the will, including the bequest of the life interest to the wife.

The Chief Justice based his conclusion upon two grounds: (1) that the provision of the codicil relied on as a revocation was not a statement or declaration by the testator intended to operate as a devise or bequest of the property to his three daughters, but an erroneous statement as to what the effect was of the changes he had made by the earlier provisions of the codicil or as to the effect of his son's death upon the dispositions he had made by the will; (2) that gifts contained in a will, made in plain and explicit language, are not to be revoked by the uncertain language of a codicil, and the less so where the testator uses in the same testamentary writings plain and appropriate words of revocation in other respects.

The costs throughout are to be paid out of the residuary estate.

*Appeal allowed.*

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FIRST DIVISIONAL COURT.

DECEMBER 10TH, 1917.

PAGET GRAIN DOOR CO. v. NORTH AMERICAN  
CHEMICAL CO.

*Estoppel—Claim of Creditor against Company—Meeting of Creditors of Company—Statement of Representative of Creditor that his Claim was against Third Person—Change of Position of Company and Creditors on Faith of Statement—Adoption of Statement by Creditor—Bill of Exchange Drawn on Third Person—Letter of Creditor Demanding Payment.*

An appeal by the defendant company from the judgment of the Senior Judge of the County Court of the County of Huron, after trial of the action without a jury, in favour of the plaintiff company.

The action was brought to recover the amount of an account for work done and materials supplied to the defendant company by the plaintiff company; and the substantial defence was, that the plaintiff company was estopped by what took place at a meeting of the creditors of the defendant company from claiming