

A demonstrative legacy is a legacy which is in its nature general, but which is directed to be satisfied out of a specified fund or part of the testator's property.

The above legacies fell clearly under this definition, so clearly that resort should not, in the learned Judge's opinion, have been made to the Court.

For this reason, he refused to saddle the residuary legatee with the costs—each party should bear his own costs.

LOGIE, J.

NOVEMBER 5TH, 1920.

RE McCULLOUGH.

*Will—Construction—Legacies Payable out of "Cash or Moneys"—Whether Negotiable Bonds Included—Indicia in Will—"Other Property"—Residuary Bequest—Class of Residuary Legatees—Oldest Child of each Brother and Sister of Testator—Bequest to "Protestant Orphans Home"—Indication of Institution Intended—Costs—Remuneration of Executor—Will Unskilfully Drawn by Executor.*

Motion by the executors of Robert McCullough, deceased, for an order determining certain questions as to the meaning and effect of the will.

The motion was heard, as in Weekly Court, at a sittings for trials in Brockville.

W. B. Carroll, K.C., for the executors.

J. A. Hutcheson, K.C., for the L.O.T.B. Orphanage and Children's Shelter, Brockville.

J. A. Jackson, for Lansdown Cemetery.

M. M. Brown, for the Official Guardian.

LOGIE, J., in a written judgment, said that the deceased by his will gave a number of legacies. Unless certain Victory bonds were resorted to, there was not sufficient money to pay these legacies in full—if the bonds fell under the words "cash or moneys" in the paragraph hereinafter set forth, there was ample to pay all.

The first paragraph giving difficulty was as follows:—

"At my decease should I not possess sufficient cash or moneys to cover the cash bequeaths (sic) mentioned in this my will, the said bequeaths (sic) is (sic) to share the percentage of such