tinguished. *Re Harrison* (1913), 25 O. W. R. 195; 5 O. W. N. 232.

Codicil—*Overriding of terms of will by—"Supersede" — Meaning of — Income—Share in corpus—Practical revocation of will—Inference against — Appeal.*]—Middleton, J., *held*, 24 O. W. R. 476, that a codicil giving a legatee a certain annuity superseded the provisions of the will giving her a share in the corpus of the estate.—Sup. Ct. Ont. (1st App. Div.) *held*, that the intention of the testator was that the gift of income should be in addition to and not in substitution of the gift of the corpus.—Appeal allowed. Costs of all parties out of estate. *Re Smith* (1913), 25 O. W. R. 393; 5 O. W. N. 501.

Condition of forfeiture—"*Instituting proceedings to set aside will*"—*Filing of caveat not such proceeding—Accounts—Reference.*]—Britton, J., *held*, that filing a caveat against the proof of a will is not "instituting proceedings to set it aside" so as to work a forfeiture of the caveator's interests under the will:—*Rhodes* v. *Mansell Hill Land Co.*, 29 Beav. 560, and *Williams* v. *Williams*, [1912] 1 Ch. 399, referred to. *Re McDevitt* (1913), 25 O. W. R. 309; 5 O. W. N. 333.

Devise to trustees on trusts — *Death of object of trusts in lifetime of testatrix—Sale of lands by testatrix—Conversion into cash and mortgage — Ademption—No earmarking — Proceeds of sale falling into residue—Intestacy.*] —Boyd, C., *held*, that a devise of lands to executors upon certain trusts was adeemed or revoked by the action of the testatrix, after the object of the trusts died, in selling such lands, and that the proceeds of such sale, although partially represented by a mortgage, were not earmarked but went into the residuary estate.—*Re Dods*, 1 O. L. R. 7, followed. *Re Tracy* (1913), 25 O. W. R. 413; 5 O. W. N. 530.

Election — *Legacy to niece—General devise—Lands of testator in which legatee had half interest—No election—Intention—Evidence—Foreign executor — Partition—Costs.*]—Middleton, J., *held*, that to raise a case of election under a will it must be clearly shewn that the testator has attempted to dispose of property over which he had no disposing power, and that such intention must appear from the will itself. *Snider* v. *Carlton; Central Trust & Safe Deposit Co.* v. *Snider* (1913), 25 O. W. R. 771; 5 O. W. N. 852.

Gift of property bequeathed by husband's alleged will — *Husband dying intestate — Failure of gift—Presumption against intestacy overborne.*]—Middleton, J., *held*, that the following paragraph in a will—"My husband made his will. Its contents I know not. What he gives me and for my disposal I wish to give to the family of J.," did not pass property acquired from the estate of the husband of the testatrix on an intestacy. —*Re Lenz & Bowstead*, 19 O. W. R. 769, referred to. *Re Palmer* (1913), 25 O. W. R. 869; 5 O. W. N. 917.

Gift to "brothers and sisters and their children"—*Right of children of deceased brother and sister to share—Use of plural term — Only one surviving sister—Context.*]—Middleton, J. *held*, that where one brother and one sister of a testator had died before the date of the will leaving children, and there were alive at the date of the will several brothers and one sister of the testator, that a gift to "Brothers and Sisters and their Children" did not include in the beneficiaries thereof children of the deceased brother and sister of the testator. *Re Acheson* (1913), 25 O. W. R. 329; 5 O. W. N. 361.

Gift to daughter—*Moneys in bank for household expenses — Large sum in bank at death—Trust — Surplus—Resulting trust—Sale of devised lands — Mortgages—Personalty—Claim of devisees disallowed—Mortgage on wife's property—Assumption of—Charge on real estate.*]—Middleton, J., *held*, that a gift to the daughter of a testator of "whatever sum or sums of money may be to my credit in any bank or upon my person or in my domicile at the time of my decease for the purpose of enabling my said daughter to meet the immediate current expenses in connection with housekeeping," where there was only a small sum in the bank at the date of the will but $17,200 at the time of the death of the testator, created a trust for the purpose expressed and all moneys not needed for that purpose belonged to the estate as a resulting trust. — *Re West*, [1901] 1 Ch. 84, referred to. — That where specific houses were afterwards sold and mortgages taken back, the devisees had no right or title to such mortgages.—*Re Dods*, 1 O. L. R. 7, followed. —See *Re Beckingham*, 25 O. W. R. 564.—Ed.] *Re Robert George Barrett* (1913), 25 O. W. R. 735; 5 O. W. N. 805.

Gift to daughters—"*Out of*" *rentals—Increased rentals—No increase in gift — "Issue"—Limitation to children*