

279, 280, Am. & Eng. Encyc. of Law, 2nd ed., vol. 10 p. 448), to include a mortgage or other chose in action. Then, are they restricted by the preceding words to things ejusdem generis with property which these words describe? If the gift were not in terms or in effect residuary, and the will contained other dispositions of the personal estate, there might be room to infer that the testator was not using the general words in their larger sense. As it is, he shews that his intention was to dispose of the whole of his personal estate (of which at the date of his will the mortgage formed part), and unless the words he has used were given their larger meaning, his intentions would be frustrated, and part of the residue would remain undisposed of, a result which is always, if possible, to be avoided, and which nothing in the will invites: *Hodgson v. Jex*, 2 Ch. D. 122; *In the Goods of Jupp*, [1891] P. 300; *In the Goods of Shepherd*, 48 L. J. N. S. P. D. 62; *King v. George*, 4 Ch. D. 435; *Dunally v. Dunally*, 6 Ir. Ch. 540.

The whole of the property of the deceased being charged by his will with the payment of his debts and funeral expenses and the expenses attending the execution of his will and the administration of his estate, and the bequests and devises to the widow and others being residuary, the question whether the mortgage debt is liable in priority to the real estate for these expenses, is answered by sec. 7 of the Devolution of Estates Act, R. S. O. 1897 ch. 127, which enacts that the real and personal property of a deceased person comprised in any residuary devise or bequest shall (except so far as a contrary intention shall appear) be applicable ratably according to their respective values to the payment of his debts. As to funeral and other expenses, although the section is silent as to these, the result ought to be the same: *Re Thomas*, 2 O. L. R. 660, 664. Order declaring accordingly.

ERRATUM.

Page 1044, ante, 9th line from bottom. For "H. S. Osler, K.C.," read "W. R. Riddell, K.C., and W. E. Foster."