

day or two at a time, and then returning to her own summer residence at Port Hope.

I think it clear from the general terms expressed in this devise in relation to "any house" that the testatrix used "any" in the sense it frequently has of "every." There are numerous cases in which "any" has been so construed: 1. Words and Phrases, 412; 2 Cyc. 472; though when the context requires it the word may be taken in the sense it sometimes bears of one of several. *New Haven F. M. C. A. v. New Haven*, 60 Conn. 32 at 39. Here, I think, there is a manifest intention to devise to Miss Gillespie every house which might belong to the testatrix at the time of her death, whether the same was held in connection with freehold or leasehold lands.

Accordingly, there will be a declaration that the leaseholds in Toronto and the freeholds in Port Hope and Bowmanville have passed by the will to Mrs. Fleming.

Costs of all parties out of the estate.

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HON. R. M. MEREDITH, C.J.C.P.

MAY 5TH, 1914.

REX v. TITCHMARSH.

6 O. W. N. 317.

*Criminal Law—Practice and Procedure — Convictions, Quashing—Power to Make Rules in Criminal Matters—Existence of Court with—S. 576, Criminal Code—Judicature Act, s. 63—Magistrate and Justice of Peace.*

MEREDITH, C.J.C.P., refused to quash conviction for crime, on contention that no Court, such as that authorized in s. 576 of the Criminal Code, to make rules respecting practice, exists now in Ontario, and therefore that the rules made in 1908 have ceased to have any effect; and that s. 63 of the Judicature Act is not applicable to the case in point, because it deals with convictions by a magistrate, and not a Justice of the Peace; but expressing doubt as to whether there was any power to make said rules, he gave leave to appeal.

Motion by the defendant, *ex parte*, for a writ of certiorari to remove a criminal conviction into the Supreme Court of Ontario, with a view to having it quashed.

J. B. Mackenzie, for the applicant.

HON. R. M. MEREDITH, C.J.C.P.:—Mr. Mackenzie's unflagging industry, in his searches for such purposes, has discovered two matters which, he contends, shew that there