

would be in the interests of justice that the examination should be held before the Master personally, the Court directed a commission to issue for such examination, naming him as the commissioner to take the examination.

*Beament*, for defendant. *Glyn Osler*, for plaintiff.

Magee, J.]

RE MANUEL ESTATE.

[June 18.

*Will—Construction—Bequest to widow—“Dower of one-third of my estate”—Meaning of.*

A testator after directing payment of his debts, funeral and testamentary expenses, directed the executors to sell the whole of his real and personal estate (excepting certain household goods reversed for his wife) turning the same into money, and after the payment of his said debts, etc., and “My wife receives her dower of one-third of my estate,” he gave to his wife the whole of the interest of his estate as long as she lived “that is the interest on the balance of my estate after she receives her dower;” and upon his wife’s decease he gave two thirds of the balance of his estate to his sons, and the remaining one-third of the balance to his two brothers and a sister to be equally divided among them.

*Held*, that the word “dower” was not used in its technical sense of a life interest in one-third of the testator’s realty; but meant one-third absolutely of his whole estate; so the wife took such one-third absolutely, and a life interest in the remainder.

*S. Alfred Jones, Slaght, K.C., and DuVernet*, for various parties.

Divisional Court.]

REX v. LAFORGE.

[June 21.

*Municipal law—Hawkers and peddlers—By-law—Prohibitory effect—Conviction—Amendment.*

A conviction made for the infraction of a by-law passed by a town council under sub-s. 14 of s. 583 of the Consol. Mun. Act. 1893, 3 Edw. VII. c. 19(O.), relating to hawkers and peddlers, etc., the violation charged being “by going from place to place with an animal bearing or drawing or otherwise carrying goods, wares or merchandise for sale without a license therefor,” it not stating that he did so as a hawker, etc., and also did not negative