

In the first letter, dated the 19th September, 1914, the testator referred to the contents of his trunk, and said: "I want it divided between Jack, Sarah, and you, and also what is in the Bank of Toronto. Martha can keep the lots. You can keep this if you like in case I don't get back."

The second letter, dated the 26th January, 1915, said: "If I don't come back I trust you will all agree to divide whatever is in my account between Charlie, Jack, and you, while Martha has the lots."

The motion was heard in the Weekly Court at Toronto.

H. Moore, for the applicants.

G. S. Hodgson, for Martha Wauchope.

SUTHERLAND, J., in a written judgment, said that the question for determination was, whether money deposited to the credit of the testator in the Dominion Bank passed by the will. As a matter of fact, no money was deposited to his credit in the Bank of Toronto; he supposed that there was money so deposited, but in reality the deposit was in the Dominion Bank.

The term "my account" is broad enough to cover money deposited in any account at the time of the death, and therefore the money in the Dominion Bank.

The money should be divided in equal shares among Charles Wauchope, Sarah Arbuckle, and John Wauchope—the real estate of the testator going to Martha Wauchope.

Costs of all parties out of the estate.

CLUTE, J., IN CHAMBERS.

JANUARY 6TH, 1917.

*MORRISON v. MORRISON.

Partition—Summary Application for Order for Partition or Sale—Rule 615—Right of Dowress to Compel Partition—Partition Act, R.S.O. 1914 ch. 114, secs. 4, 5—Devolution of Estates Act, R.S.O. 1914 ch. 119, sec. 13—Time for Making Application—Three Years' Delay—Adverse Claim of Title by Possession—Rule 233—Issue Directed—Adjournment of Motion—Election of Dowress Deferred.

Motion by the plaintiff, a dowress, for an order for partition or sale of land.