

and was dismissed therefrom on the 14th August, 1903, as cured. She has not been "pronounced permanently cured." Probably no such pronouncement could be made by the medical superintendent of the asylum or by any one else. The medical superintendent and other medical men say she is cured. She is not now a person who should be in an asylum, and she is dismissed as cured—no longer at present in need of treatment, and that, I think, is what the testator intended in the use of the words "permanently cured." That being so, is M. B. now entitled as of right to have the whole amount paid over to her by the executors? The words are, "the entire amount may be placed at once in her possession."

I am of opinion that the word "may" does not necessarily mean "must." The power to transfer the administration of the estate is a discretionary one, and in this case, upon reading the affidavits and upon reading the letters of M. B., I do not think the discretion should be exercised in favour of granting an administration order. It will be in the best interests of M. B. that the money should be in the hands of the executors for investment and for payment over in such wise and prudent way as the executors deem advisable, not only the interest, but such additional amount as may be necessary for the comfortable living and maintenance of M. B. It may be that as to part of this money the rate of interest received is too small. The executors, willing as they say they are to act in the best interest of M. B., and at very little expense, should advise with M. B. and her solicitor, so that the most may be realised and at the least expense.

Motion dismissed. Costs of all parties to be paid by executors out of the estate, and I fix the executors' costs at \$10.

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BRITTON, J.

NOVEMBER 29TH, 1909.

RE MULHOLLAND AND MORRIS.

*Will—Devise—Legacies Charged on Land—Executors—Statute of Limitations—Vendor and Purchaser—Requisitions on Title—Waiver by Taking Possession.*

An application by John Mulholland, the vendor, under the Vendors and Purchasers Act, R. S. O. 1897 ch. 134, for an order requiring the purchaser, John Morris, to complete his purchase of lot 10, Barrie street, in the city of Kingston, by paying the purchase money and interest, and declaring that the legacies mentioned in the will of Bridget Mulholland had ceased to be a charge on the land, and that, as the purchaser had taken possession of the land,