

ties "such part of his residuary estate which may by law be given to charitable purposes," and had died after the passing of the Act, that the Act applied to the devise, and the charity was entitled, not merely to such part of the residue as at the date of the will might by law be given to charitable purposes, but to the whole residue, real and personal, as under the Wills Act, 1837, s. 24 (R.S.O., c. 109, s. 26), every will must be construed as if executed immediately before the death of the testator, unless a contrary intention appear, and that in this case no such contrary intention did appear.

WILL.—CONSTRUCTION—DEVISE OF PREMISES, "AS THE SAME ARE NOW OCCUPIED BY ME."

*In re Seal, Seal v. Taylor*, (1894) 1 Ch. 317, a testator had devised to his wife during widowhood "my residence called Stonleigh House, and premises thereto, as the same are now occupied by me." Some years prior to the will he had let to his two sons, for the purposes of their business, an office standing in the yard of Stonleigh House, and the stable and coach house belonging to the house, except a room over the coach house, to which the only access was through the house. The sons continued in occupation of the parts let to them down to the testator's death. The widow claimed that the words "as now occupied by me" should be rejected as *falsa demonstratio*, and that she was entitled, under the devise, to the whole of the premises; but the Court of Appeal (Lindley, Smith, and Davey, L.JJ.) agreed with Chitty, J., that her contention could not prevail, and that she was not entitled to that part of the premises in the occupation of the sons, and the court could not enter into the question of inconvenience.

INFANT—MAINTENANCE—POWER, OR TRUST.—DISCRETION TO APPLY WHOLE OR PART OF INCOME FOR, OR TOWARDS, MAINTENANCE.—DISCRETION OF TRUSTEES —ABILITY OF MOTHER TO MAINTAIN HER INFANT CHILDREN.

*In re Bryant, Bryant v. Hickley*, (1894) 1 Ch. 324, is a case the application of which in Ontario appears to be doubtful. An application was made, on behalf of infants, against the trustees of a will, for an allowance for their maintenance. The will declared that, after the marriage of the testator's widow, the trustees should apply the whole or such part of the income of the expectant share of any child for, or towards, the maintenance,