

further is that if it shall in the opinion of my trustees hereinafter named be for the benefit of my granddaughters to sell and dispose of the properties named to them, they shall have power to do so," etc.

To my mind there is nothing either in the language appointing the trustees or in the language of the power above given, or elsewhere in the will, to shew an intention of the testator to confine either the exercise of the opinion or the power to the persons only who are in the will named as trustees, to the exclusion of their substitutes or successors in office.

In order to so confine the power there must be an indication that it can only be exercised by the individuals named; in other words, the personal confidence in the individual must be expressed by clear and apt language, and cannot be inferred from the mere nature of the power. In the absence of language indicating that the power does not attach to the office, I take it to be well settled that it must be assumed that the power should be attached to the office to be exercised by the one who for the time being filled the office of trustee: see *Crawford v. Forshaw*, [1891] 2 Ch. at p. 261; *In re Smith*, [1904] 1 Ch. at p. 139. . . .

The second question involves the determination of how far the power of sale given by the will to the trustees, as above quoted, applies to the two properties in question. In my opinion, it applies to only one of them, namely, the Yonge street property, but not to the other, for the following reasons:—

1. The power in question has specific reference to his two granddaughters, to whom, in a previous part of the will, specific properties had been devised. One of these properties is the Yonge street property, which he devised to his granddaughter Alice Nagle; and the other property on College avenue, to his granddaughter Clara Nagle. The King street property is covered by a general devise of all other property enumerated in schedule 1 to his will, under which the testator directs the same to be disposed of by his daughter amongst her legitimate children in such a manner as she may by her last will direct and appoint, and failing such will then equally among her children share and share alike. The King street property, therefore, is not "named to any granddaughter," but is, with other properties, given in remainder to all the legitimate children of his daughter Mrs. Nagle, who at the date of the will had 3 children . . . I think it is, therefore, quite clear that this power to be exercised by the trustees, if in their opinion it should be for the benefit of his granddaughters to sell the properties "named to them" cannot apply to this general devise, in which they and others may