

Court of the High Court, but no corresponding change was made in the Surrogate Court Rules or forms; and in Mr. Howells's work, 2nd ed. (partly re-written, according to the preface, since the Act), the old forms of bond appear at p. 602. It is a case for relief from the harsh rule in *Re Nichol*, 1 O. L. R. 213. The bond recites that the appellant "desires to appeal to the Court of Appeal," not the Court of Appeal for Ontario, and the words may well be read as equivalent to the "proper appellate tribunal," just as in the original Criminal Code, 1892, the expression "Court of Appeal" in secs. 742 et seq. included any division of the High Court of Justice.

Motion dismissed without costs.

Clarke, Cowan, Bartlett, & Bartlett, Windsor, solicitors for plaintiff.

Murphy, Sale, & O'Connor, Windsor, solicitors for defendant.

LOUNT, J.

MARCH 15TH, 1902.

CHAMBERS.

RE PERRIN.

*Will—Legacy—To be Paid to Infant upon his Attaining 25 Years—Interest on.*

Originating notice by an executor under Rule 938.

Paragraph 1 of the will of David Perrin, deceased, is as follows:—"I give devise and bequeath unto my beloved wife all my real and personal estate . . . to use enjoy sell dispose of assign and convey as she may see fit;" and 2 is:—"After the decease of my said wife I will and direct that whatever may remain of my said estate whether real or personal shall be equally divided among" six persons, naming them.

Paragraph 2 of the codicil is:—"I revoke the provision made in paragraph 2 of my will in favour of Augustus Sharpe," one of the six persons, "he having departed this life." And:—"Out of the estate mentioned in the said second paragraph of my will I give to Wray Sharpe son of Augustus Sharpe the sum of \$500 to be paid to him without interest after the death of myself and my wife but the same shall not be paid to him until he shall have attained the age of 25 years." His wife predeceased the testator.