

servants who shall have been in my service for three years prior to my decease and shall be still in my service one year's wages." The testator has an estate of 700 acres. There was a house on the land, and he employed several domestic servants. He farmed the land himself and had six labourers employed at ordinary labourers' wages. Sargant, J., held that these labourers were not servants within the meaning of the will, and that the word, in a legacy to servants, means domestic servants, who though not necessarily employed in the testator's house, yet minister in some way to his comfort.

SETTLED ESTATE—WILL—DIRECTION TO ALLOW CHILDREN TO
OCCUPY HOUSE WHILE UNMARRIED—TENANCY TO LIFE—
PERSONS HAVING POWERS OF TENANT FOR LIFE.

In re Boyer (1916) 2 Ch. 404. This was a summary application to determine whether certain persons had the powers of a tenant for life so as to entitle them to sell the property in question under the Settled Land Act, 1882 (45-46 Vict. c. 38), (see R.S.O. c. 74 s. 33 (1) (g)). A testator who was owner of a long lease in certain property known as the Grange, by will bequeathed the property to trustees in trust for his wife for life, and after her death upon trust to permit such of his unmarried children as wished to reside in the house to occupy the same, with gifts over in case the children should all marry, or not wish to reside in the house. The unmarried children desired to reside in the house, and desired as persons having the powers of tenants for life to sell the property and have the income of the proceeds so long as they remained unmarried. Sargant, J., to whom the application was made, held that although the applicants were not tenants for life, they had the powers of tenants for life and were entitled to sell as proposed. See R.S.O. c. 74, s. 33 (1) (g).