

if the defendants used his invention at all they must use it in accordance with the form described in his patent, and asked for an injunction.

*Held*, ARMOUR, C. J., dissenting, that the defendants had a right so to do. In the absence of agreement there is nothing to prevent a licensee from making such changes or alterations as he thinks proper, and there was no stipulation here restricting the ordinary legal right of the licensees to make for their own use such changes or alterations in the article covered by the invention which they had been authorized to use as they might think proper, or restricting the use of the invention to the precise form in which the plaintiff had himself given it birth. Appeal allowed.

*W. Cassels*, K.C., and *A. W. Anglin*, for the plaintiffs. *J. H. Rodd* for the respondent.

From Boyd, C.]

[April 10.

HOSPITAL FOR SICK CHILDREN v. CHUTE.

*Will—Construction—Power of advancement.*

A testatrix by her will directed her trustees to pay an annuity to each of her three children, and empowered the trustees "from time to time to make such advances as they may deem proper out of the corpus or income or both of my estate for the benefit of or to my said children or any one or more of them either on their marriage or as an advancement in life or for any other purpose that may appear to them wise and reasonable." On the death of all the children of the testatrix the undisposed of residue was directed to be divided among their children then living, and in default of a grandchild living at the death of the last surviving child of the testatrix, then the undisposed of residue was to be divided among certain charities.

*Held*, that a division of the estate among the children made by the trustees in good faith two years after the death of the testatrix was a valid exercise of the power.

Judgment of BOYD, C., affirmed. *S. H. Blake*, K.C., and *James Bicknell*, for appellants. *W. H. Blake*, *H. O'Brien*, K.C., and *Lundy* for other charities. *J. H. Macdonald*, K.C., and *F. C. Jones*, for respondents, the trustees. *Shepley*, K.C., for respondent, Frank E. Bilton. *Riddell*, K.C. for respondent, Naomi Bilton.

From Lount, J.]

[April 10.

IN RE VILLAGE OF MARKHAM AND TOWN OF AURORA.

*Municipal corporations By-law Bonus—Promotion of manufactures Removal of industry "already established" Motion to quash registered by-law Delay.*

By s. 9 of the Municipal Amendment Act, 1900, a new sub-section, 12, is added to s. 501, of the Municipal Act, R.S.O. 1897, c. 223, which new section provides that councils of municipalities may pass by-laws for granting aid by way of bonus for the promotion of manufactures within the