more than eight, but the exact number is not stated—the children of deceased brothers and sisters. The testator was apparently well disposed towards his brother Barry S. Cooper, to whom he left in his will a substantial bequest.

The contention of the appellants is, that the Court should, under these circumstances, supply the word "children" after the word "nephews" to make the clause read "my three nieces and five nephews, children of Barry S. Cooper." And with that contention I entirely agree.

That the Court has power in a proper case to supply a missing word cannot be disputed. The rule is stated in many cases : among others by Knight Bruce, L.J., in Pride v. Fooks, 3 DeG. & J. 252, at p. 266, in these words: "Again, all lawyers know that if the contents of a will shew that a word has been undesignedly omitted or undesignedly inserted, and demonstrate what addition by construction or what rejection by construction will fulfil the intention with which the document was written, the addition or rejection will by construction be made."

Similar remarks by the same learned Judge occur in the earlier case of Key v. Key, 4 DeG. M. & G. 73, at p. 84. See also Mellor v. Daintree, 33 Ch.D. 198; Re Holden, 5 O.L.R. 156, at p. 162.

The Court must, of course, first be satisfied from the language of the will what was the real intention of the testator; for it is only to give effect to such intention that the implication can be made.

In the present instance, upon the facts, the matter does not, it appears to me, admit of a reasonable doubt. The testator had some eighteen or more nephews and nieces. Out of these he selected as the special subjects of his bounty in the clause in question, three nieces and five nephews—exactly the number and description of the children of his brother Barry S. Cooper; and he coupled with the gift—for some purpose, it must be assumed—the name, not of his other surviving brother, who had no children, but of his brother Barry S. Cooper; a conjunction absolutely meaningless unless the word "children" is to be supplied, as the appellants contend.

I would allow the appeal and declare accordingly. Costs of all parties out of the estate.