

live in a rented house, just outside of Toronto, and there they continued to live until the husband enlisted in August, 1914. He worked in Toronto, returning every night to his house outside. The question was, whether he was a "resident" of Toronto.

There is nothing in the evidence to warrant giving to the word "resident" any meaning other than its ordinary meaning. A man's residence is where he eats, drinks, and sleeps, or where his family eat, drink, and sleep: *Rex v. Inhabitants of North Curry* (1825), 4 B. & C. 953, 959. Prima facie a man's home is where his wife lives, and so he may be said to be resident there: *Regina v. Norwood Overseers* (1867), L.R. 2 Q.B. 457, 459. See also *The Oldham Case* (1869), 1 O'M. & H. 151, 158; *The Northallerton Case* (1869), 1 O'M. & H. 167, 170, 171; *Re Ingilby* (1890), 6 Times L.R. 446; *Holborn Guardians v. Chertsey Guardians* (1884), 54 L.J.M.C. 53; *Mellish v. Van Norman* (1856), 13 U.C.R. 451, 455; *In re North Renfrew* (1904), 7 O.L.R. 204; *Re Sturmer and Town of Beaverton* (1911), 24 O.L.R. 65; *In re Ladouceur v. Salter* (1876) 6 P.R. 305.

Lancaster was not, therefore, at the critical time, a resident of the city; there was no privity between him and either of the defendants; and there was no ground upon which the plaintiff could succeed

Action dismissed with costs.

SUTHERLAND, J.

JANUARY 12TH, 1917.

RE BLAHOUT.

Will—Construction—Bequest of Income for Maintenance and Education of Children—Discretion of Executors—Ability of Children to Support themselves.

Motion by the Trusts and Guarantee Company Limited, executors of the will of Joseph Francois Blahout, deceased, for an order determining two questions arising upon the will and a codicil thereto.

The testator was twice married; in the will he bequeathed \$1,000 to Stephanie, his daughter by his second wife, on certain terms; he gave his wife Antonia his house and household furniture and effects in lieu of dower; he gave certain moneys on deposit in a bank and insurance moneys to his executors in trust to divide amongst his four children by his first wife, share and share alike,