

considered and followed. *Machray* as to them, in their uncontrollable  
*v. Higgins* . . . . . 29 and absolute discretion, shall seem  
 fit."

2. *Construction of—Gift of residue to executors, whether absolute or in trust.*—A testator devised and bequeathed all his property to two executors and trustees "in trust" to pay debts and certain legacies, and invest the residue and pay the net annual income to his widow during her life. He then gave certain legacies and disposed of the residue as follows: "subject to the foregoing trusts in favor of my said wife and the payment of my funeral and testamentary expenses, debts and legacies and directions as aforesaid, I give all my lands, chattels real, real and personal estate unto my trustees to be applied and disposed of

*Held*, that under the above clause the trustees had no absolute disposing power over the residuary estate, but held it in trust. *Re Magnus Brown* . . . . . 391

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**WITNESS FEES.**

*In County Court.*

See COSTS AND SECURITY FOR COSTS, 2.

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**WORDS.**

"*Current money of Canada.*"

See ELECTION PETITION., 2, 4.