502. The question for decision in this case was whether or not a general power of appointment over personal property had been validly exercised by the will of the donee. The donee was a British subject domiciled in France, she had made a will unattested which was valid according to French law, and had been admitted to probate in England under the *Wills Act*, 1861. The will was sufficient in its terms, but it was contended, that not being attested in accordance with the Wills Act, 1837, it was an invalid execution of the power. In support of this contention the decision of Kay, J., *In re Kirwan's Trusts* (1883), 25 Ch.D. 373, followed by Kekewich, J., in *Hummel* v. *Hummel* (1898), 1 Ch. 642, was relied on: but Neville, J., following *D'Huart* v. *Harkness* (1865), 34 Beav. 324, held that the power was sufficiently exercised under the Wills Act, 1837, s. 27, (R.S.O. c. 120, s. 30).

WILL—CONSTRUCTION—MONEY—RESIDUARY PERSONAL ESTATE —EXTRINSIC EVIDENCE, HOW FAR ADMISSIBLE.

In re Skillen, Charles v. *Charles* (1916) 1 Ch. 518. By the will of a testatrix in question in this case, she directed her debts to be paid and gave and bequeathed her "money" unto her two nieces to be equally divided between them after payment of £20 to her executor, and expressed her wish that all her personal property, in the house of either of her two nieces at the time of her death should belong to such niece. The testatrix died in 1914 and evidence was adduced that at the date of her death she was possessed of cash in the house, money on deposit in her bank, and at the Post Office Savings Bank, a sum of Consols, and furniture, together with some small personal belongings in the house of one of her nieces. It was held by Sargant, J., that extrinsic evidence was admissible to shew of what the property of the deceased consisted at the date of her will as evidence of surrounding circumstances only, and not for the purpose of proving intention. Here the evidence shewed that the property possessed by the testatrix at the date of her will was substantially the same as that possessed by her at her death, but he attached no importance to that as regards the construction to be placed on the will; and held that by the bequest of "money," having regard to the other terms of the will, all the testatrix's residuary personal estate passed.

WILL—CONSTRUCTION—PROVISION AGAINST LAPSE OF LEGACY BY DEATH OF LEGATEE—BEQUEST BY CODICIL.

In re Smith, Prada v. *Vandroy* (1916) 1 Ch. 523. In this case a testatrix by her will made in 1894 bequeathed a number of