

See also *Re Hickey and Town of Orillia*, 17 O. L. R. 317, at pp. 331, 332, 342; *In re Salter and Township of Beckwith*, 4 O. L. R. 51.

This the respondents have wholly failed to meet, and I think the by-law cannot stand.

3. The third objection is to the publication. This was in a paper in the village of Dutton, and consequently not in the municipality of Dunwich, without a resolution by the council.

Section 338 (2) provides: "The council shall . . . publish a copy . . . in some . . . newspaper published either within the municipality or in the county town or in a public newspaper in an adjoining or neighbouring municipality, as the council may designate by resolution." There is no such resolution, but the clerk says, "We always get our printing done there." I think I am bound by the judgment of my brother Britton in *In re Salter and Township of Beckwith*, 4 O. L. R. 51, at pp. 52, 53, to hold that this objection is not tenable. . . .

[Observations on the omission of municipal officers to follow the plain directions of the statute.]

Had I been able to support the by-law, I should not have awarded the township costs; and, as the motion succeeds, I think the township must pay costs.

Order made quashing by-law with costs.

RIDDELL, J.

MAY 3RD, 1910.

RE KNOX.

Will—Construction—Distribution of Estate—Period of Distribution—Death of Children of Testator—Vested Estates.

Motion by the executors for an order determining certain questions as to the distribution of the estate of John Knox, arising upon the construction of his will.

John Knox died on the 30th November, 1901, having made his will, and leaving a widow and four children. A daughter, J. M. Knox, died on the 6th April, 1906, aged 24 years, unmarried, leaving a will whereby all her property went to her mother, the widow. The testator's son, J. D. Knox, died without issue on the 26th December, 1909, over 25 years old, leaving a will which divided all his property equally, share and share alike, between his mother, the widow, and his sisters E. K. and C. C.

The will of John Knox provided: (1) for payment of debts; (2) a sale of Campbellford and Otonabee property; (3) holding