ought to be given to them. That would be one way. Another mode of effectually doing it would have been to make in some shape or form a gift over, so as to benefit other persons beside the sons, and in such a way that the legatees in question could not be deemed to be the sole persons interested in the funds. He has not chosen to take advantage of any such mode of gift, but has in each case made the son in question the sole person to take the benefit of the fund which he has directed to be set apart. Under these circumstances, the case seems to me to fall within the class of cases which have been referred to, in which the law has been laid down that a testator is not to be allowed to fetter the mode of enjoyment of persons absolutely entitled to a fund; and, "When the words of the will are looked at, the testator is simply pointing out the mode in which these sums, which he had actually given to his sons, should be enjoyed by them. In that class of cases, of which *Re Skinner's Trusts*, 1 J. & H. 102, is an example, the Court has said that it will not insist on the benefit intended for the legatee being taken by him *modo et forma* as the testator prescribes."

This view of the law has been followed in our own Courts in recent cases, such as *Re Rispin*, 25 O. L. R. 633, and *Re Hamilton*, 23 O. W. R. 549. In the latter, his Lordship the Chancellor points out the methods by which only a bequest such as this can be made subject to the discretion of the trustees as to the time and mode of payment. Neither of these methods was adopted by the testatrix in this instance.

The restriction attempted to be put on the bequest to Margaret McGill, by virtue of which the executors seek to defer or withhold from her payment of the corpus of these bequests are, in my opinion, inoperative. The costs of the application will be paid out of the estate.