—Estate tail negatived—Residuary estate—Tenancy in common.]—A testatrix provided *inter alia*, "I give—out of the rents—of land on King St. the annual sum of six hundred and fifty-four pounds. The six hundred pounds to be divided equally between my daughters, the fifty-four pounds to Edith Emily for life." This was followed by a proviso that upon the expiry of the present lease, if the rent is increased. Edith Emily's share is to be £600 per year for life.—Middleton, J., *held*, that this was a gift to the daughters of £600 and no more, and that they did not take any increased rental after deducting the allowance to Edith Emily.—*Re Morgan*, [1893] 3 Ch. 222, and other cases referred to. *Re Rebecca Barrett Estate* (1913), 25 O. W. R. 710; 5 O. W. N. 807.

Gift to executors in trust—*Life estate—Remainder—Condition — Birth of issue—Time of vesting.*]—Latchford, J., *held*, that where certain lands were given to A for life and after A's death to B if she should have lawful issue, but if she should die without lawful heirs to C, and where at A's death, B was living having lawful issue, she became entitled in fee simple to such lands. *Re Donald McDonald Estate* (1913), 25 O. W. R. 147; 5 O. W. N. 188.

Gift to trustee—*Fund "to be expended for the education and support of testator's niece"—Right of beneficiary to unexpended balance.*]—Hodgins, J.A., *held*, that where there is a gift to a trustee for the education and support of a named beneficiary, the latter is entitled to the fund absolutely upon coming of age.—*Hanson* v. *Graham*, 6 Ves. 249, referred to. *Re McKeon* (1913), 25 O. W. R. 146; 5 O. W. N. 190.

Inconsistency—*Bequest of all residue to amount of $800— Gift limited to that sum—Intestacy as to remainder of residue.*]—Latchford, J., *held*, that under a clause in a will providing "all the residue and remainder of my estate not hereinbefore disposed of I give, devise and bequeath unto my nephew to the amount of $800," the beneficiary only took the sum of $800, there being an intestacy as to the balance of the residue. *Re Nelson*, 14 Gr. 199, discussed. *Re Browne* (1913), 25 O. W. R. 467; 5 O. W. N. 466.

Legacies charged on land—*Devisee—Life estate—Remainder to children or issue—Tenants in common per stirpes—Rule in Shelley's Case—Settled Estates Act—Gift over — Costs.*]—Motion by Margaret Ames, a beneficiary under the will of Myron B. Ames, deceased, for an order determining a question arising upon the administration of the estate as to the construction of the will. The will was that upon the death of the widow (which had occurred) Thomas should take during the term of his natural life without impeachment of waste and that Thomas should pay thereout several legacies. — Middleton, *held*, that Thomas took only a life estate and that the legacies should be paid by mortgaging the estate under the Settled Estates Act. *Re Ames* (1913), 25 O. W. R. 80; 5 O. W. N. 95.

Life interest—*Gift of "residue" on death of life tenant—Power of encroachment by life tenant on corpus for maintenance — Amount of annual payment fixed by consent.*]—Middleton, J., *held*, that where a testator gives his property, mainly personal, to his wife for life, the "residue" to others after her death, that the widow has power to encroach upon the corpus for her maintenance. —*Re Storey*, 14 O. W. R. 904, and *Re Johnson*, 27 O. L. R. 472, followed. *Re Achterberg* (1913), 25 O. W. R. 700; 5 O. W. N. 755.

Payment to beneficiary on attaining age of 23—*Divesting clause —Direction for investment of corpus in interval — Costs.*]—Latchford, J., *held*, that where a testatrix made a gift to a beneficiary when he should attain the age of 23 and directed the corpus to be invested for him in the meantime, the executors should, not later than one year from the death of the testatrix, set aside and invest such sum. *Re Clooney* (1913), 25 O. W. R. 458; 5 O. W. N. 513.

Will—*Power of appointment—Exercise of—Validity—Subsequent attempted exercise of power—Revocation—Title to land — Action for possession.*]—Boyd, C., *held*, that an appointment made voluntarily and without the knowledge of the appointee was valid even against a subsequent appointee, although the appointment was made for valuable consideration.—*Sweet* v. *Platt* (1886), 12 O. R. 229, discussed. *Goldsmith* v. *Harnden* (1913), 25 O. W. R. 55; 5 O. W. N. 42.

Provision for daughter — *"To have a home with her mother"—Life estate of mother—Death of mother — Termination of daughter's rights.*] — Middleton, J., *held*, that where a testator by his will gave a life estate to his wife and provided that "my daughter Sarah shall have a home with her mother