

jects, as well as of other modern methods, be proved to be but molehills.

I know of no law which prevents the making of a gift for life, with the power to expend or otherwise dispose of or to appoint, generally or limitedly, with a gift over of all that is not so disposed of: see *Surman v. Surman* (1820), 5 Madd. 123; and *In re Thomson's Estate* (1880), 14 Ch. D. 263.

In regard to the two cases mainly relied upon by Mr. Gladman, it is enough to say that the will which here is in question is not the will that was under consideration in either of them. But, it may be added, very much that is said in *In re Jones*, [1898] 1 Ch. 438, as to general principles, I have endeavoured to apply in this case. There can be no doubt about such principles; the question generally is, whether they have been properly applied to the particular case. The learned Judge who decided that case thought it distinguishable from *Bibbens v. Potter*; so too in this case there are distinguishing features, but only such as, I think, make this a stronger case for reaching a conclusion in accord with the judgment in the *Bibbens* case than the *Jones* case was for the conclusion reached in it: here the gift to the wife is not in the first place unlimited, it is expressly limited to the extent of the subsequent legacies.

And I cannot think that, in the other case, *Re Miller* (1914), 6 O.W.N. 665, the learned Judge who decided it meant to say, as Mr. Gladman contended he did, that there could be no estate for life with a power to spend the principal, and a gift over of the unexpended part, such as the will in question contains. But in any case I could not give effect to any such view of the law, the judgment in that case not being, as I have said, one binding in this.

The Master of the Rolls, of Ireland, in the case of *In re Walker*, [1898] 1 I.R. 5—another case much relied upon by Mr. Gladman, but, no report of it being available at the time of the argument, I was obliged to retain this case until now in order to get the full benefit of it—laboured hard to give effect to that which he believed were the testator's real intention. I am performing the same task in this case, glad to follow him in that which he did, if not in all that he said: glad too that my task is one so much plainer and easier than his was. It is not so important a matter by what road the right point is reached; one may not take the shorter and most direct way; one may indeed trespass on forbidden grounds: yet, if the proper conclusion be come to, that is all that the particular case needs; and of less