sons respectively attained twenty-five. Although the maintenance was to be made from the personal estate, and no part of the rents were assigned for that purpose, as the devisees of the real estate were not entitled until they attained twenty-five, the intermediate rents, not being disposed of descended to the heirs-at-law, *i.e.*, the children, and might be applied for their maintenance if the personal estate was insufficient.

When a testator has himself specified the time for the duration of maintenance that will be observed; but the right to maintenance and support when given in general terms will cease with the marriage or forisfamiliation of a child, *Knapp* v. *Noyes*, Amb. 661; *Gardiner* v. *Barber*, 18 Jur. 508, and *Wilkins* v. *Jordrell*, 13 Ch. D. 564, considered and commented on.

A widow ceases to be entitled to support and maintenance upon marrying again.

Query, as to her rights if she should again become a widow without means of support.

Held, if the $2,000 legacy to the son absorbs all the personal estate the daughters get none of it, as their legacies are charged on the land, and that the $2,000 legacy and the legacy for maintenance must abate proportionately.

Moss, Q.C., and *McPhillips*, for the plaintiffs.

Maclennan, Q.C., for the infant defendants.

Cassels, Q.C., and *Holland*, for the adult defendants.

Proudfoot, J.] [April 28.

REGINA EX REL. FELITZ V. HOWLAND.

Contempt of Court—Publication of letter by solicitor pending appeal—Time at which offence to be considered—Right of a relator to make the motion—Apology—Costs.

A judgment was delivered by the Master in Chambers on a *quo warranto* proceeding on March 23rd, 1886, and an article referring to it was published in *The Mail* newspaper on the next day. On March 26th, the solicitor for the defendant gave notice of appeal against the judgment, and on the same day wrote a letter in answer to the article commenting on the judgment of the Master in reference to the case, which letter was published in *The Mail* next day.

On a motion made by F., the relator, to commit the solicitor for contempt, notice of which was given on the same day as notice of the abandonment of the appeal, it was

Held, that the nature of the charge against the solicitor must be determined as at the time of the publication of the letter, and could not be affected by the fact of the abandonment of the appeal on the same day that the notice for the motion to commit was given; that the solicitor could not take advantage of his double character of citizen and solicitor; that it was not allowable for a solicitor engaged in a cause to comment in the press on it while pending; that the relator in the *quo warranto* proceeding had a right to make the application; that the letter was not only an injudicious but an improper one, and was a contempt of Court. An affidavit was put in and read on the argument, containing an explanation by the solicitor which was coupled with statements by his counsel as to the character, ability and conscientiousness of the Master, and a denial of any intention to impugn any of these.

Held, that as the appeal had been abandoned and no prejudice could now arise to the applicant, a proper disposition of the case would be to refuse the motion, which was done, but upon payment of the costs by the solicitor.

Bain, Q.C., for the motion.

S. H. Blake, Q.C., contra.

An appeal from this judgment is now pending in the Court of Appeal.

Proudfoot, J.] [April 28.

GORDON V. GORDON.

Will—Power to sell—Power to mortgage—Estate getting the benefit of unauthorized loan—Position of mortgagee.

A testator by her will devised and bequeathed all the rest and residue of her real and personal estate unto R. G., and his heirs, executors, administrators, and assigns, "upon trust to sell the real estate, and to call in and convert into money the remainder of the personal estate, with power to demise or lease any portion for any term or terms of years," and