

testimony was sufficient, if believed, to warrant the finding. The building was, as used, a place other than a private dwelling house. The defendant was in fact not residing there, but elsewhere.

The conviction was right and should not be disturbed.

Motion dismissed with costs.

MASTEN, J.

JUNE 26TH, 1919.

RE RYAN.

Will—Distribution of Estate Postponed for "15 Years from this Date"—Republication of Will by Codicil three Years after Execution of Will—Effect of, as to Date of Distribution.

Motion by the executors of the will of Margaret Isabella Ryan, deceased, for an order declaring the true interpretation of the will and a codicil thereto.

The motion was heard in the Weekly Court, Toronto.

E. L. Middleton, for the executors.

R. S. Robertson, for two adult beneficiaries.

F. W. Harcourt, K.C., for the infants.

MASTEN, J., in a written judgment, said that by clauses 11 and 12 of her will the testatrix provided as follows:—

"11. The rest and residue of my estate not above disposed of my trustees shall hold for 15 years from this date for my children who may survive me and pay them the income in equal shares during such 15 years if they so long live the issue however of any such child of mine who may die to stand in the parent's place.

"12. At the expiration of said 15 years my trustees shall distribute the said rest and residue of capital of my estate among my children equally the issue of any deceased child to take the share of my child who may so die."

This will was executed on the 25th April, 1903. On the 24th April, 1906, the deceased executed a codicil to the will as follows:—

"The house and premises 621 Jarvis street Toronto I hereby give to my daughter Isabel Margaret Ryan absolutely, this gift to take effect at once on my death.

"I hereby give to my sister Catharine Ryan widow of the late William Ryan the sum of \$1,000 and to my half-sister Emily Thompson the sum of \$1,000.

"My said will is varied as above and in all other respects is confirmed."