estate to trustees, subject to the payment of certain annuities in trust, to invest and out of the income in their absolute discretion to apply the whole or any part thereof to the maintenance of the children of his sister, who was one of the annuitants, until they attained 23, and to accumulate and invest the unapplied portion of the income: and upon further trust as to both capital and income of the investments in trust for the child or children of his sister, who either before or after her decease should attain 23, and the issue of such of her children as might be then dead, such issue to take only the share their parents would have taken if living. The testator died in 1888, and his sister, who was a widow, had only two children, a daughter who attained 23 on 10th March, 1892, and a son born May 28, 1874. In 1889 it was determined that the gift to the children of the sister of the residue of the personalty was void for remoteness, but that the persons entitled to it could not be determined until the sister's death, and it was then ordered that the trustees should accumulate the surplus personalty until further order. No part of the income had been applied towards the maintenance of either of the sister's children. An application was now made to North, J., on behalf of the two children of the sister for maintenance, and he held that the trust for maintenance out of the income of the residuary personalty was distinct from the trust of the capital; and that the trustees could now exercise the discretion given them by the will, and were entitled in their discretion to apply all or any part of the income of the fund, including any accumulations thereof, towards the maintenance of the children in accordance with the will, for the past maintenance of the daughter until she attained 23, and for the past and future maintenance of the son until he should attain 23. The accumulations of income made by the trustees pursuant to the order of the Court of 1889, he held would not be deemed any exercise of their discretion, and did not now preclude their exercising it.