his will, in order to make an equal distribution of a large portion of his estate among his five daughters, he grouped together certain properties, in part real estate and in part personal, in five separate schedules.—The property in schedule A. was devised to the testator's daughter M. who died in 1902, leaving a will by which, in exercise of the power of appointment in her father's will, she devised one-third of her estate to her husband who survived her. —The clause in the will relating to the final distribution of the scheduled property was as follows: "And upon trust on the death of either of my said daughters to convey one-third of the said lands, tenements, hereditaments and premises apportioned to her in such schedule, to such person or persons upon the trusts and for the ends, intents and purposes or in such manner as my said daughter may by any writing under her hand, attested by two or more witnesses, or by her last will and testament direct and appoint, and as to the remaining two-thirds, to hold the same for the child or children, or such of them of my said daughter so dying, upon the trusts and in the proportion, and for the intents and purposes my said daughter may by her last will and testament direct and appoint and in default of such direction and appointment then and in such case the said two-thirds and one-third shall be held by said executors and trustees in trust for such child or children and be divided equally between them and their heirs, share and share alike, on the youngest child living attaining the age of twenty-one years and in the meantime and until such child shall attain such age, the rents, issues and profits thereof shall be applied by my said executors toward the support, maintenance and education of such child or children, and in the event of my daughter dying, leaving no issue her surviving, then and in such case I will and direct that the said two-thirds and one-third before mentioned (if no disposition of the same shall be made by my said daughter) shall be equally divided by my said executors and trustees between her sisters and brother and their respective heirs in equal proportions per *stirpes* and not per *capita*."—*Held*, that the trustees, in order to make a distribution, had power to sell and dispose of the scheduled property apportioned to the deceased daughter, such power being implied in the will in order to carry out the trusts, though no express power was given. —*Held* also, that the deceased daughter having died without issue, the unappointed two-thirds of her scheduled property should be equally divided now between the surviving daughters and the heirs of the deceased son.—The residuary clause in the will was: "The rest, residue and remainder of my said estate, both real and personal and whatsoever and wheresoever situate, I give, devise and bequeath the same to my said executors and trustees, upon the trusts and for the intents and purposes following, that is to say: Upon trust after paying my brother Duncan Robertson or his heirs, to whom I give and bequeath the same, the legacy or sum of four thousand dollars, Dominion currency, to sell and dispose of the same as and when they shall in their discretion see fit and consider to be most for the benefit and advantage of my said estate, and shall apportion the same or the proceeds of such parts or portions as shall be sold from time to time, equally to and among my said children, share and share alike, and shall hold the same for my said children and their heirs, share and share alike, subject to any advances or sums made or to be made by me, as aforesaid upon the same trusts, with regard to my said daughters as are hereinbefore declared with respect to the said estate in the said schedules mentioned."—*Held*, that the deceased daughter had a disposing power over one-third of her share of the residuary estate; and that the remaining two-thirds was divisible as was directed in regard to the scheduled property. *Smith et al, Trustees* v. *Robertson et al*, 4 Eq., p. 139.

Power of sale of real estate—Testator, owning some lands in severalty and some as tenant in common with others, devised the same to trustees and authorized them, subject to the consent of his wife, to sell the lands held in severalty and, in case of sale, directed them to invest the proceeds and hold the investments upon certain trusts. —The testator next empowered the Trustees to enter into negotiations for the purpose of making a partition of the lands held in common and provided "that such portions of said real estate now held by me as tenant in common as may be allotted and conveyed under such partition to my said trustees, shall be held by them under the same trusts as are herein mentioned concerning my estate."—A suit for partition was commenced by the testator after making his will and was pending at the time of his death.—This suit was continued by the trustees to whom were allotted in severalty certain portions of the property.—*Held*, that under all the circumstances and looking at the whole will, it was the intention of the testator that the trustees, subject to the consent of the wife, had the power to sell those portions of the lands so partitioned and allotted to them in severalty. *Gilbert* v. *Gilbert*, 42, p. 288, C. D.

Power to sell real estate—G. E. F. died in 1899, and by his will left the greater part of his property to his executors and trustees upon various trusts.—The testator's widow is still living, and the surviving executors and trustees are the plaintiffs, G. C. F. and W. T. H. F., two of the testator's children.—The will contained the following provision: "I give, devise and bequeath all my other property both real and personal whatsoever and wheresoever situate of which I may be seized or possessed or otherwise entitled, to my executors and trustees herein named upon the trusts following, etc." —The clause in the will which refered to