

County of Waterloo (1914), 33 O.L.R. 73; Rex on the prosecution of Cobham v. Archbishop of Canterbury, [1903] 1 K.B. 289.

Here the statute (Public Health Act, sec. 26) gave the council the right to appoint the solicitor to conduct the defence of the local board, and this carried with it the right to costs duly incurred in the conduct of the defence.

The Municipal Act, sec. 245 (5), gets over all difficulty as to payment of the corporation's solicitor by salary.

*Appeal dismissed with costs, fixed at \$25.*

SUTHERLAND, J.

DECEMBER 14TH, 1917.

RE HEAL.

*Will—Construction—Legacy Payable on Conditions—Duty of Executors—Bequest of Income to Daughter—Death of Daughter before Death of Testator—Residuary Devise to Daughter—Lapse by Reason of Predecease—Gift over—Heirs of Woman still Living but without Issue—Investment of Funds of Estate—Limitation of Securities by Will—Executors Permitted to Invest in Securities Authorised by Trustee Act.*

Motion by the executors of the will of James Heal, deceased, for an order determining several questions arising upon the construction of the will.

The motion was heard in the Weekly Court at Toronto.

G. W. Morley, for the executors.

W. J. Tremear, for the children of Samuel Heal.

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

SUTHERLAND, J., in a written judgment, said that the first question was, whether a legacy of \$1,500, payable to Archibald McFeters under certain conditions named in the will, should be paid to him by the executors, or whether a certain 50 acres of land should be conveyed to him instead. The learned Judge was of opinion that the \$1,500 was properly payable to Archibald; indeed, upon the motion, there was no opposition raised thereto by any one.

Question No. 2 arose in this way. The executors being directed by the terms of the will to pay to the granddaughter of the deceased, one Elizabeth McFeters, during her natural life, an