

education, or benefit of such child. The widow of the testator had married again, and was possessed of ample means to maintain the children; but, as one of the trustees of the will consented to the allowance being made, the other trustees refused to consent, being of opinion that the real object of the application was to enable the mother to save money out of her income for the benefit of her present husband, and that the allowance was not, therefore, required in the interest of the children. Chitty, J., under the circumstances, declined to interfere with the discretion of the majority of the trustees; but he based his judgment, to some extent, on the ground that, in England, a mother having separate property is now, by statute, "subject to all such liability for the maintenance of her children as a husband is by law for the maintenance of his children." He does not refer to the statute imposing this liability, and the only one we have been able to find is 33 & 34 Vict., c. 45, s. 14, which makes a married woman having separate estate liable for the maintenance of her children only to the same extent as a widow; and, according to *Douglas v. Andrews*, 12 Beav. 310, a widow is only liable for the maintenance of her child where the child has no property of its own. At all events, the statutory obligation does not exist in Ontario; and so far as this decision is based on the ground of a legal obligation on the part of a mother to maintain her children, it appears here to have no application.

POWER OF SALE—RENOTENESS—RULE AGAINST PERPETUITIES.

*In re Sudeley & Baines*, (1894) 1 Ch. 334, which was an application under the Vendors and Purchasers' Act, the question discussed is whether a power of sale of land on the death of a tenant for life, for the purpose of dividing the estate among those entitled in remainder, at such times as the trustees shall think fit, and without any limitation as to the time within which it is to be exercised, is a valid power, or void as offending against the law against perpetuities. Chitty, J., decided in favour of the validity of the power, holding that it must be exercised within a reasonable time after the death of the tenant for life, and after the property has become absolutely vested in possession, if, on the construction of the particular instrument creating the power, it appears to be the intention of the settlor or testator that it should be so exercised; which intention he found to exist under the will in question.