where he has a right to order may create a trust and have often been held to do so. But such words are not necessarily and in all cases to be construed as commands. They may be nothing more than a recommendation. And whether they be the one or the other must depend on the intention of the testator and his intention is to be gathered from the words he has used in his will. The words giving the property to Mrs Lee are abundantly plain and comprehensive - and she cannot be deprived of all benefit from it unless the subsequent words by their obvious meaning or by necessary implication shew that such was the intention of the testator. I perceive nothing in the will from which this intention can be inferred. -

The property in question is not by the will to go to the children at any future time or on any future contingency. If it is a trust at all, it was in the hands of Mrs Lee, for the exclusive benefit of her children, from the moment she received it. She herself could take none of the profits of it for her own support. If such had been the intention of the testator, a bequest immediately to the children would have been a plainer and more natural way of providing for them - It was the way in which he had provided for the grandchild for whom in the first place he intended this property - and the interposition of a trustee would seem to be an useless circuity - without an object - and contrary to the course adopted by the testator in a similar case - It cannot therefore be presumed that such was his intention unless his words clearly imply it.

The words used by the testator are very different in their import from words of recommendation or request. When he requests or recommends something to be done by his immediate legatee, the thing to be done by the legatee is necessarily in addition to what is before done by the testator and distinct from it. Some further object is intended to be obtained. But in the case in question, it does not appear by the will that the testator contemplated the attainment of any object in addition to what he had already accomplished by the devise to Mrs Lee. He had given all his interest in the property to her. He does so he says, in order that she may the better be enabled to provide for her other children. He intended, then, to put her in a condition to provide for them - to invest her with powers to do so. This was his object - and he accomplished that object fully by the devise to her. He does not in the words that follow, request her to do some other thing in addition to what he had done, but gives the reason for what he himself had done. He does not shew that he had any further desire in relation to this property. He wished, it appears, to enable Mrs Lee to provide for her children - and this he effected by an absolute and unconditional bequest to her. - If he had given this property to her and added that he did so in order

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