

words of authority and command. It is true that words of recommendation, confidence or expectation are not sufficient to convert an absolute bequest into a trust. Where a testator made a bequest in fee to his wife and added "having full confidence that she will leave the surplus to be divided at her decease justly amongst my children," these words were held not to deprive the wife of her absolute right to the bequest. *Pennock's Estate*, 8 Harris, 268. Of course, this was a mere expression of the testator's confidence in the future conduct of his wife and in her future dealing with the estate, not a direction to her as to the manner in which she should dispose of it. In the *Second Reformed Presbyterian Church vs. Disbrow*, 2 P. F. Smith, 219, after a devise to his wife for life, the testator added:—

"But it is my wish and desire that my said wife will leave at her death the property, or any part that may be then remaining in her hands, for the benefit of," etc.

The Court held that a fee simple was here implied, not because the word "wish" was a precatory word, but, in the language of *WOODWARD, C. J.*, because the words "any part remaining (equivalent to the word residue) imply the right of consumption—imply that part of the interest devised might be so used and converted as not to be in existence at her death, which is inconsistent with the notion that merely a life estate was devised," etc. The word wish was held therefore not to be mandatory, only because of the inconsistency apparent in two parts of the Will. In *Paisley's Estate*, 20 P. F. Smith, 153, the testator gave to his wife the rents and profits of his property during her life for her support, and the support and education of his children, under the direction of his executors. Say the Court:—

"We must give the words of the Will a reasonable construction. He certainly never could have intended that in the support of herself and the support and education of his

