

obtained, the annual income of all his children, except Georgina, should be equal.

The wife did devise or bequeath all her separate estate to two sons, William and Bruce, and between her death in 1889 and their death in 1908, they brought the income from their mother's estate into hotchpot with the income from their father's estate, and submitted to an equal division; but the total income of both estates was not enough to meet in full the annuities provided under the father's will.

Since the death of the two sons, it is said that the income of the testator's estate will be more than sufficient to pay the remaining annuities. Out of the surplus the arrears of annuities should be paid ratably to the living and to the representatives of the deceased annuitants until such arrears without interest are paid in full.

If at the death of the last surviving child a surplus of income after providing for annuities and arrears has been accumulated, I do not think the will makes provision for it. The disposition at that time is confined "to the whole amount of principal money," etc. Any such surplus income will have to be distributed as upon an intestacy.

William and Bruce by their respective wills gave all their estates to Eugene, and a question arises whether the annuity to Eugene is to be diminished, or that of the others increased, assuming that as beneficiary under his brothers' wills he receives what they received under their mother's will.

I think that upon the death of William and Bruce, the annuities to them at the same time ceasing, the purpose of the 13th paragraph of the testator's will was fully met and satisfied, and that there is nothing in the will which extends any obligation upon Eugene to bring the income from their estates into hotchpot with the income of his father's estate in order to entitle him to full payment of his annuity.

On the basis of the above, the questions submitted must be answered as follows:—

1. The annuities are payable out of income only.
 2. Income only.
 3. No.
 4. Any surplus at death of last child after providing for annuities and arrears thereof must be distributed as on an intestacy.
 5. No.
 6. Yes, payable ratably.
- Costs of all parties out of the estate.