

Eq., at pp. 478, 479, Sir John Stuart, V.-C., says that *Bird v. Hunsdon* has never been overruled—and I cannot find that any later case deals with the matter. *Roe v. Summersett*, 5 Burr. 2608, may also be looked at. In *Ralph v. Carrick* (1877), L. R. 5 Ch. D., at p. 995, Hall V.-C., mentions *Bird v. Hunsdon* without disapproval and distinguishes that case from the case he was then considering. *Ralph v. Carrick*, 5 Ch. D. 995; 11 Ch. D. 873, and in *Re Springfield* shew us how careful we must be in applying *Bird v. Hunsdon*, but they by no means overrule it. Were there nothing more here than a gift to John Alexander Steele of the \$2,000 upon the death of Loretta without issue, these cases would or might apply; but there is more. There are substantially the characteristics which differentiated *Bird v. Hunsdon*, spoken of by Hall, V.-C., in 5 Ch. D., at p. 995, “a trust of the income for maintenance of the person named, and a gift over after her death.” With the proper changes the result is not very unlike *Bird v. Hunsdon*. The testator here contemplated: 1. The time before her marriage; 2. The time thereafter before a child was born; 3. The time thereafter. For the first period, he has provided by giving her the income; for the third by giving her the principal; but for the second which may last for the whole of her married life, he has made no provision in so many words. Must he not, however, have meant that during that period also she was to be provided for? The very tempting argument was advanced that what the testator must have meant was that when she got married her husband should take care of her—and when she had a child, she would receive the principal for the support of herself and child. But the husband might equally well be expected to support Mary Morris in *Bird v. Hunsdon*.

Without overruling that case, I think, I should hold that Loretta is entitled to be paid the interest during her life—and although I am not wholly satisfied with the reasoning in the principal case or its exact application to the present case I will so declare.

Costs of all parties out of the corpus of the \$2,000 fund.