

KELLY, J.

MAY 8TH, 1914.

## RE CARR.

*Will—Construction—Devise of Farm to Trustees—Trust for Payment of Income or Portion thereof for Maintenance and Education of Daughter during Minority and after Majority to Pay whole Income to Daughter during Lifetime—Right of Daughter to Accumulations of Rentals during Minority—Interest on Accumulations.*

Application by Alice Marcella Carr for an order determining certain questions arising upon the construction of the will of Stephen Carr, deceased.

H. A. Ward, K.C., for the applicant.

H. S. White, for Catherine A. A. Carr.

W. F. Kerr, for Annie Grandy.

H. H. Chisholm, for the executors.

KELLY, J.:—On the argument, the question as to the widow's rights in respect of the dwelling-house which the testator contemplated purchasing was abandoned.

The next question is, whether the deceased's daughter Catherine Agnes Alexandria Carr, who has now attained her majority, is or is not entitled to the accumulated rentals of the farm in the township of Hope referred to in clause 6 of the will. The answer to that question must clearly be that she is not entitled to the rents which had accumulated prior to her attaining majority and which had not been paid to her or for her benefit. The testator's direction is, that the trustees, to whom the farm is devised in trust, are "to pay the net income" (of this farm) "or so much of said net income as my trustees may deem necessary for such purposes to my said wife for the support maintenance and education of my said daughter during her minority" and "to pay such net income to my said daughter from the time she attains the age of 21 years for and during her natural life for her own use and benefit absolutely." Not only is there no direction or provision for payment to the daughter at any time of the income accumulated during her minority, but there is found later on in the will an express direction that on her death the trustees are to stand seized of the trust estate "lands moneys investments and all accumulated or unused in-