

of the person or persons so to be benefited thereby as herein mentioned.

13. In the event of my wife surviving me, and by her last will and testament devising or bequeathing her separate property other than equally (in value) between and among all of our children surviving her, I will and direct, and it is my express wish and desire, notwithstanding anything hereinbefore contained to the contrary, that from the time of my wife's decease, my said executors and trustees do and shall increase or diminish the annuities or provision hereinbefore made for and on behalf of any of my children, and in proportion to the amount to which they would severally be entitled under this my will at the decease of my wife, in order that the annual interest, income, or provision of each and every of my children surviving my said wife shall be equal, but nevertheless in the proportions hereinbefore mentioned, in the same manner as if my wife's separate estate and also my own estate were one common fund out of which all such annuities or provisions were to be paid and payable in the proportions mentioned in this my will.

14. I appoint the Toronto General Trusts Company to be executors and trustees of this my will.

E. G. Long, for the executors.

M. C. Cameron, for the official guardian.

D. H. Chisholm, Port Hope, W. F. Kerr, Cobourg, and J. F. Edgar, for the beneficiaries.

TEETZEL, J.:—I think it is plain from the language of the whole will that the testator intended that, with the exception of the annual allowance not exceeding \$400 for the support, maintenance, and clothing of his daughter Georgina, there should be an equal annual allowance provided for his children after his wife's death, as far as he could control the situation.

I think it is equally plain that he intended the allowances to be charged upon the income, and not upon the corpus, the whole of which he disposed of upon the death of his last surviving child.

It was also the intention of the testator that in the event of his wife surviving him and devising or bequeathing her separate property to one or more of his children, instead of equally to all, such child or children should not get both the full annuity under his will and the benefit under her will, but that in such an event, notwithstanding the benefit so