

tween the children of my daughter Margaret, one-third to my daughter Jane, and one-third to be equally divided between the children of my daughter Flora."

Christy McLennan and Catherine McLennan, two of the annuitants mentioned in clause 4, are now dead; Annie McPherson alone survives. All the pecuniary legacies have been paid.

The applicant is the sole executrix of the will. She has now on hand ready for distribution the sum of \$22,995.37.

All of the persons at present interested in said estate are of the full age of twenty-one. Some of the persons so interested reside out of Ontario, but their interests are the same as those appearing on this motion.

The questions are:—

(1) Is the said Annie McPherson entitled to receive the bank interest upon the sum of \$3,000 or only on the sum of \$1,000?

(2) Has the period of distribution arrived to enable the executrix safely to distribute the money now available for distribution among those entitled to receive the same under clause 6 of the will, or must such distribution be deferred until after the decease of Annie McPherson, when the sum of \$3,000 must be distributed under clause 4?

I am of opinion that Annie McPherson is not entitled to receive the interest on the \$3,000, but only on the \$1,000. It may be and very likely was the intention of the testator to give all the interest on the \$3,000 to the sisters-in-law and the survivors and survivor of them; but, in a case like this, I cannot gather intention apart from the meaning of the words, "I give . . . unto my sisters-in-law" (naming them) "the bank interest of \$1,000 each to be paid yearly as long as they live." The \$3,000 are to be set apart for the purpose named. Upon the death of any one of these sisters-in-law the interest to that one is to cease, but the will is silent as to where it is to go, so it must belong to residue.

My answer to the second question is, that the period of distribution has arrived as to all except the \$3,000 mentioned in clause 4, and the executrix can safely distribute the sum mentioned as now on hand for distribution.

Costs of all parties out of that part of the estate other than the interest payable to Annie McPherson—her interest on the \$1,000 shall not be charged with any costs.