

James Curran made his will in 1896, whereby he devised and bequeathed "all the real and personal estate . . . of which I may die possessed or in any way entitled to, unto my executrix, executor, and trustees hereinafter named upon" certain trusts. . . .

"5. (1) As to . . . Numbers 118, 120 and 122 St. Patrick Street, Toronto, after making due provision for the payment of all charges upon or against said part of my estate, to pay over the residue of the rents and profits of said part of my said estate to my son Walter for his life, and after his death to his lawful children, if any, share and share alike, and if he leaves a lawful wife or children him surviving who attains, or any of whom attain, the age of twenty-one years, then to convey absolutely unto such child or children, share and share alike, the said premises 118, 120 and 122 St. Patrick Street, but if he dies without leaving any lawful child or children, or if he dies leaving a child or children, and said child or children, or some or one of them, do not attain the age of twenty-one years, then my will is that the said premises be dealt with in the same way as my residuary estate is hereafter provided to be dealt with."

(2) A similar devise to his son Albert Edward of street numbers 114 and 116 St. Patrick Street.

(3) A similar devise to his daughter Lavina Spice of street numbers 110 and 112.

(4) A similar devise to his son Alfred.

7. Residuary clause, devising and bequeathing "unto my executrix, executor, and trustees, to be divided by them among my sons Alfred, . . . Albert Edward, . . . and Walter Curran, and my daughter Lavina Spice, and my grandson, E. J. P., share and share alike, and if any of my said sons, or my said daughter, or my said grandson, should die without leaving lawful issue, then my will is that all which under my will should have gone to said son or daughter or grandson, so dying as aforesaid, shall form part of my residuary estate and be divided among my surviving children as the case may be, share and share alike" . . . "I hereby authorise my executrix, executor, and trustees, to sell such portions of my said estate as and when they shall deem wise, and to hold the proceeds thereof upon the trust hereinbefore imposed in respect of the various parcels of my said estate."

"10. And I declare that if the parties hereby appointed or any of them shall die in my lifetime, or if they, or any of them, or any future trustee or trustees of this my will shall die, or go to