

By clause eight, furniture, books, etc., are to be divided among the children.

By clause nine, the residue of the property of the testatrix is dealt with. This consisted of some Toronto property of very considerable value, and the investments of the testatrix. It is given to the trustee to be held till the youngest surviving child attains the age of twenty-one years. The income is to be a fund to provide for the maintenance of the minor children. If there is a surplus, the husband may retain what is necessary to make up his income, derivable from the first trust devised, to six hundred dollars; and any residue then remaining is to go for the benefit of the child or children out of whose prospective shares the same may have arisen. When the youngest child attains the age of twenty-five this second trust fund is to be then realised and the proceeds divided equally among the children and the issue of such of the children as may then be dead; a sufficient fund being set apart to maintain the income of the husband at six hundred dollars.

The will also contains a provision authorising the husband to spend \$150 per annum in continuing his life insurance.

The codicil appears to have been prepared by the testatrix herself or by someone entirely unskilled in the preparation of legal documents. It is prefaced by the statement: "Not feeling satisfied with the provision made in my will for Bertha Hope Smith, my only daughter, I hereby add this codicil." This would lead one to expect that the codicil would confer an additional benefit upon the daughter. The testatrix proceeds; "I desire the sum of \$600 to be paid to her out of my estate . . . until she attains the age of twenty-five years. If at that time she should be married, then for the remainder of her life time to pay her \$400, "unless the income realised through or by my property on division should yield more to each surviving child. Should such be the case, then I authorise such division to be made." The testatrix then proceeds, "Bertha having attained the age of twenty-five years as aforesaid, should Bertha remain unmarried, then she is to be paid the sum of \$600 a year . . . for the remainder of her life."

These provisions I think concern entirely the income derived from the estate, save that Bertha is to receive her \$600 either from the income or from the *corpus*. The divi-