WIDOW, CLAIM OF—IN LIEU OF LIFE ESTATE.

See "Administration Suit," 1.

WIDOW, ELECTION BY.

See "Will," &c., 3.

WILL, CONSTRUCTION OF.

1. A testator, after making sundry dispositions of his real and personal estate, proceeded to dispose of the residue as follows:

"On the death of my said wife I order and direct my said executors and trustees to sell and dispose of all the rest, residue and remainder of all the real and personal estate which I may die seized or possessed of, or in any way entitled, to the best advantage, and out of the proceeds thereof: 1st. To pay *Margaret Hope*, four hundred dollars. 2nd. To pay my nephews *Thomas* and *Joseph Toase*, one thousand dollars each. 3rd. To pay to *Margaret Hulse*, *Robert Ramsay*, *George Ramsay*, *John M. Wood*, and *James W. Wood*, two hundred dollars each. 4. To pay to my nieces *Elizabeth*, *Amelia*, *Matilda*, and *Hannah*, daughters of my said brother *Thomas*, two hundred dollars each. 5th. To invest the sum of six hundred dollars on good security, and pay over the interest thereof to *John Henry Wright*, son of *John Wright*, during his natural life; and at his death I direct my executors to divide the said sum of six hundred dollars equally among the brothers and sisters of the said *John Henry Wright*, who may survive him; and as to all the rest, residue and remainder thereof, I direct the same to be divided equally amongst all the legatees herein mentioned."

Held, (1) that under this residuary bequest, all the legatees named, including *John Henry Wright*, but not his brothers and sisters, were entitled to participate in the residue of the estate; (2) that *John Henry Wright* was entitled to the interest of the $600 during his life, and that all his brothers and sisters living at his death (though born after the date of the will,) were entitled to share in the fund of $600.

Edwards v. Smith, 159.

2. By another clause of the will, the testator bequeathed to *Hannah Wright* for her separate use a mortgage held by the testator against property of her husband, and all moneys secured thereby and unpaid at the testator's death:

Held, that she was a legatee, and as such entitled also to share in the residue. *Ib.*