

from the investment of the proceeds of sales of real estate and the income derived from my personal estate, my trustees shall from time to time, and at least every two years, allot to my daughters and to my son George the pro rata distribution of what can be spared."

There can be little doubt, I think, that the intention of the testator was that, subject to the provision as to the capital sums necessary to produce the allowance to his daughters which I have mentioned, the corpus of his estate should be divided pro rata between his daughters and his son George, and that the provision as to periodical allotments was made in order to enable them to receive what could be paid to them without risking the contingency happening that there would not be enough left to provide for the annuity to the testator's wife and the other annuities and sums to be paid to the children, instead of waiting for a division until the death of all the annuitants.

It appears to me that the Court in construing the will in *Langlois v. Macdonald* determined that this was the testator's intention, and that the language which he used was sufficient to give effect to that intention.

The declaration of paragraph 2 of the decree is that the testator did not die intestate as to any portion of his estate, and that upon the true construction of his will the executors "are from time to time and at least every two years to allot to the plaintiffs and the defendant Lilla Macdonald in pro rata shares such portion of the estate of the said testator as appears to the defendants other than Henry Sandfield Macdonald not to be required to answer and secure the payments in the first paragraph hereof mentioned, and that the plaintiffs and the defendant Lilla Macdonald are entitled absolutely to such portions of the said estate."

The plaintiffs in this action were the testator's daughters except Lilla, and his son George Sandfield, and the first paragraph of the decree declared that the defendants the executors ought as soon as convenient to invest in stock of the Dominion of Canada a portion of the estate of the testator sufficient to answer the payment from time to time of the sums directed to be paid half-yearly to the plaintiffs, the defendants Lilla Macdonald and Henry Sandfield Macdonald, and the widow of the testator.

It is manifest that compliance with the declaration and adjudication contained in paragraph 2 of the decree must result ultimately in the allotment of the whole of the corpus remaining in the hands of the executors, for as soon as all the annuitants