

SUTHERLAND, J.

JUNE 30TH, 1919.

RE GOODWIN.

Will—Construction—Provisions for Benefit of Widow and Children of Testator—Use of “Residence” and Household Effects—Alternative Provisions—Annuity—Income—Deficiency Payable out of Corpus—Distribution of Estate—Part of Estate Undisposed of—Intestacy—Taxes, Repairs, and Improvements Payable out of Corpus.

Motion by the Toronto General Trusts Corporation, trustees under the will of Michael Francis Goodwin, deceased, for the advice and opinion of the Court on certain questions as to the disposition of the estate of the testator, involving the interpretation of the will.

The motion was heard in the Weekly Court, Toronto.

W. Lawr, for the applicants.

W. G. Owens, for Kate Goodwin, widow of the testator, Blanche and Ella Goodwin, children of the testator by his first wife, and William E. Goodwin, only child of the second marriage.

W. H. Gregory, for Mabel, George, and Alexander Goodwin, and (by appointment of the Court) for Frank Goodwin.

F. W. Harcourt, K.C., Official Guardian, for three infant children of a deceased son, Joseph Goodwin.

SUTHERLAND, J., in a written judgment, set out certain relevant paragraphs of the will and codicil. These may be briefly summarised as follows:—

(3) The trustees to allow the widow to occupy “my family residence . . . with my children as a home for herself and them during the term of her natural life, so long as she remains my widow,” subject to changes by trustees.

(4) To allow the widow the use, in the residence, of the testator’s household effects and furniture for herself and children during her life and widowhood.

(5) To sell or lease the testator’s real estate.

(6) To invest the proceeds of sale.

(7) To pay the testator’s mother \$25 a year during her life.

(8) “To pay until my youngest surviving child attains the age of 21 years, out of the balance of revenue derived from such investments and the rents . . . \$800 annually in equal quarterly payments to my wife for the support, maintenance, and education of my children . . . during their minority and for the support and maintenance of my said wife while she