

later should be accepted: In re Bywater (1881), 18 Ch.D. 17, 19, 20; In re Williams (1895), 43 W.R. 375. The legacies of \$100 a year to Mrs. George Cumming and \$300 to Emily East have, upon that principle, priority over the legacies to the brother and sisters.

At the end of the 10 years, these two legacies will cease, as also those to the brother and five sisters, and the "interest" will "revert" to the Regina Hospital, with the qualification that the income arising from the trust-fund will continue to be charged with the annuity of \$300 for the life of Emily East.

Order declaring accordingly; costs of all parties out of the estate.

MIDDLETON, J.

APRIL 24TH, 1919.

### RE RANTON.

*Will—Construction—Bequest to "any Daughter Unmarried"—  
Widowed Daughter not Included—Distribution of Residue  
among Members of Class—Division per Capita.*

Motion by the executors of the will of A. H. Ranton, deceased, for an order determining certain questions in reference to the distribution of the testator's estate, arising upon the terms of the will.

The motion was heard in the Weekly Court, Toronto.

H. R. Frost, for the executors.

J. D. Bissett, for the widow.

A. R. Hassard, for Jennie Partridge and her six daughters.

J. Gilchrist, for the testator's brother and his two daughters.

F. W. Harcourt, K.C., Official Guardian, for the infants.

MIDDLETON, J., in a written judgment, said that two questions remained for determination:—

(1) Do the words "any daughter unmarried (at my death) of my brother W. J. Ranton" include a daughter who was then a widow?

The cases all shew that the primary meaning of the word "unmarried" is, "never having been married," but this meaning may be easily displaced by anything in the will indicating that the testator meant "not having a husband" (or wife). Here the will was absolutely without colour, and the words must have their primary meaning. In re Collyer (1907), 24 Times L.R. 117, contains a discussion of most of the cases.

(2) The second question was, whether the "daughters" of