

HIGH COURT DIVISION.

BRITTON, J.

OCTOBER 21ST, 1913.

RE CAMPBELL.

Will—Construction—Bequest of Interest on Specific Sum for Lives of three Legatees—Interest after Death of two Falling into Residue—Period of Distribution of Estate.

Motion by Jane Campbell McBain, sole executrix of the will of Alexander Campbell, deceased, for an order determining questions arising upon the construction of the will as to the distribution of the estate.

The motion was heard by BRITTON, J., at the Cornwall sittings.

D. B. MacLennan, K.C., for the executrix.

R. Smith, K.C., for the beneficiaries.

BRITTON, J.:—Interpretation is asked of certain clauses of the will of the late Alexander Campbell. The will was made on the 15th May, 1894, and the testator died on the 15th September, 1895. The will is lengthy, and the estate was a large one; but the only questions requiring an answer arise out of clauses 4 and 6.

Clause 4: "I give and devise unto my sisters-in-law Christy McLennan Catherine McLennan and Annie McPherson wife of Donald Roy McPherson the bank interest of \$1,000 each to be paid yearly so long as they live and I direct my executors to set apart \$3,000 for this purpose. Upon the decease of any of my said sisters-in-law such interest as to her so deceasing shall cease and upon the death of all of them the said sum of \$3,000 shall be divided amongst the son or sons of my said daughters Margaret and Jane who is or are living and in case of no sons then to the daughters of my said daughters Margaret and Jane and the daughters and sons of my said daughter Flora and in case of no such said sons or daughters then to my legal or lineal descendants."

Clause 6: "I give and bequeath the rest residue and remainder of my real and personal estate to the sons and daughters of my daughters Margaret and Flora and to my daughter Jane in the following proportions—one-third to be divided equally be-