

HON. MR. JUSTICE LENNOX.

JUNE 7TH, 1913.

RE BROWN.

4 O. W. N. 1401.

*Will—Construction—Vesting — Postponement of Enjoyment—Life Interest.*

LENNOX, J., *held*, that where a testator provided as follows: "I will and bequeath unto my wife, S. A. B., all and every of my personal estate whatsoever and wheresoever for and during her natural life and at her death I give and bequeath all and every of my personal estate to my six daughters, E. A.; S. J.; E.; M.; A. and M. share and share alike to be paid to them within three months after my said wife's death," the daughters so named took vested interests.

*Packham v. Gregory*, 4 Hare 339, and other cases referred to.

Application is for construction of the will of the said Thomas Brown, deceased, and a declaration as to the persons entitled to share in his estate and the proportions in which they are respectively entitled.

W. M. Douglas, K.C., for petitioners.

F. W. Harcourt, K.C., Official Guardian, for James Thomas Hamilton an infant and George P. Leith.

Mr. H. G. Tucker, Col., for Sarah Jane Brown, Elen Henry, Alice Truax, W. J. Brown and Thomas Brown.

HON. MR. JUSTICE LENNOX:—With the exception of James Hamilton, the father of the infant Thomas James Hamilton, and who was the husband of Mary Brown deceased, a daughter of the testator, all proper parties have been served and were represented in Court. As the interest of James Hamilton is the same as the interest of his infant daughter he is sufficiently represented and I dispense with service upon him.

The will of the said Thomas Brown deceased, contained the following provision, namely, "I will and bequeath unto my wife Sarah Ann Brown all and every of my personal estate, whatsoever and wheresoever for and during her natural life, and at her death I give and bequeath all and every of my personal estate to my six daughters Elizabeth Ann, Sarah Jane, Ellen, Maria, Alice and Mary, share and share alike, to be paid to them within three months after my said wife's death."