

E. W. Boyd, for executors.

M. J. McCarron, St. Catharines, for James Moyer and the husband and children of Sarah Fellman.

J. A. Keyes, St. Catharines, for Catharine Moyer individually, and as administratrix of Deborah Moyer.

W. Davidson, for Orval Moyer and Rebecca Moyer.

F. W. Harcourt, for Roy Stauffer and Norah Stauffer.

MEREDITH, C.J.:—The testator by his will appointed executors, whom he directed to pay and discharge all his just debts, funeral and testamentary expenses. After this direction the will contains a bequest to the testator's wife, Catharine Moyer, in these words: "Second. I will, devise, and bequeath to my beloved wife, Catharine Moyer, all my personal property of every nature and kind soever, consisting of notes, bank accounts, lumber, wheat, and all other personal effects, to have and to hold the same to her own use and benefit forever."

He next devised to his son James the homestead farm, "upon the condition that he pays therefor the sum of \$6,000," which sum he directed to be paid as follows: \$1,500 in one year after his death, \$1,000 a year for the next two years thereafter, and the residue of \$2,500 at the death of his wife, with interest on the \$2,500 at the rate of 4 per cent. per annum, payable annually, the interest to be paid to his executors for the benefit and use of his widow, and if the interest, with the interest which he by a subsequent provision of his will directed to be paid by his daughter Sarah Fellman, should prove insufficient for the support and maintenance of his widow, he directed that his son James should pay so much of the principal as with the interest would be sufficient to support and maintain her. He also provided that his son James should allow and permit his widow to use, occupy, and enjoy the house then occupied by her, with the grapery and garden attached to it, and that his son James should also furnish his widow with certain necessities and conveniences for her use.

He then devised to his daughter Sarah Fellman the farm he had purchased from Delos W. Spence, provided she or her assigns should pay to his executors therefor \$4,000, as follows: \$1,000 within one year after his decease, \$750 annually for the next two years, and the residue with interest at the rate of 4 per cent. per annum on or before the death of his wife, and he directed that in the event of the interest not