

pursuance of these provisions are also involved, and the matter is of some public interest. Order made, giving leave to appeal upon the usual terms. Costs in the appeal.

MACMAHON, J.

JULY 5TH, 1902.

CHAMBERS.

SMITH v. MASON.

Will—Legatees—Period of Vesting and Distribution the Same—Realty and Personalty—Sale—Direction to Trustees to Sell and Divide Proceeds.

Motion by William Murdoch, one of the devisees under the will of John Smith, deceased, for an order determining the following questions arising under the will:—(1) As to the division of the estate into nine portions, in pursuance of the will, for the purpose of administration. (2) As to the payment over by the present trustees to the adult grandchildren of John Smith of their shares of the estate, or such portion thereof as has now been got in. (3) As to payments directed under clause 12 of the judgment of 30th May last. The will is dated 11th December, 1880, and appoints the defendants James Mason, Charles Smith, and Harrison B. Forbes, executors and trustees. Forbes having left the Province, Emile C. Boeckh was appointed a trustee in his place in July, 1888. The estate amounts to \$300,000, and it is asked that \$270,000 be distributed, in nine shares, amongst those entitled under the will.

E. F. B. Johnston, K.C., for the applicant.

W. M. Boulton, for plaintiffs.

H. T. Kelly, for James Mason and Charles Smith.

D. O. Cameron, for Neil J. Smith.

F. Denton, K.C., for John C. Smith.

H. T. Kelly, for all the other adult defendants.

F. W. Harcourt, for the Boeckh infants.

W. Davidson, for all the other infants.

MACMAHON, J.:—The shares of the children in the personal estate became vested on the death of the widow. The trustees are directed to divide the trust moneys (which would include the capital sum invested for the benefit of the widow) and the personal estate amongst the children. After the division, "the share" of each of the children is directed to be invested for his or her benefit. So that the time of vesting and period of distribution is the same. The realty is directed to be sold, and the moneys arising from the sale