

25 years of age, clause 10 providing for the children then in esse, and clause 16 for those in posse. The sums so provided are annuities, and, with other annuities, are to be paid from the income of this annuity fund.

At the time the will was made the plaintiff was, as has been said, about 21, and her sister about 19; it was apparent that each would come to the age of 25 years before the expiration of a 10-year period for which the testator intended to provide. When any child became of the age of 25 years, his or her claim upon the annuity fund ceased *ipso facto*, and a new provision needed to be made. If the testator had the thought that under the age of 25 no child of his should have the right to any more than \$12,000 or \$25,000, as the case may be, and ought not to have more than that sum to spend or otherwise dispose of, and if he also had the thought that the estate was to be divided, as far as possible, year by year, he certainly had the right to make a will which would have the effect of bringing about this result.

The accumulation spoken of is brought about in the first place by taking the balance of income of the annuity fund after paying the annuities, taking also the net income from the remainder of the estate (always excepting the capital, etc., employed in the business), and therewith forming an accumulating fund. So long as all the children are under 25 no draft need be made upon this fund to pay them an income, but at 25 the child must look elsewhere for it, and clause 18 is introduced accordingly.

It is declared to be the intention of the testator—generally—that the children are to share equally in the income of the estate (see clauses 15 and 21); so that there need be no difficulty in the words “her proportionate part.” The provision then is for the child arriving at 25 and losing the right to look to the annuity fund, by computing 90 per cent. of the income from the estate, dividing this by the number indicating the number of children, and the quotient is the amount the child is entitled to receive. This happening the first year after the attaining of the stated age, what is to be done with the other fraction of the income of the estate? The express provision is that “it being my intention that my children are to share equally in such income, but until each child shall attain the age of 21 years what would have been his or her share is to accumulate and form part of my general estate.” It is to be noted that the words here