

MIDDLETON, J.

MAY 28TH, 1910.

RE SCHELLENBERGER.

Will—Construction—Meaningless Clause—Supplying Words “to Pay”—Legacy Charged on Lands Specifically Devised—Demonstrative Legacy—Proceeds of Sale of Chattels—Income of Farm—Maintenance of Children—Residuary Estate.

Motion by the executors of the will of Michael Schellenberger for an order determining certain questions as to the construction of the will and disposition of the estate.

The will was dated the 12th June, 1901, and was as follows:—

1. I direct my just debts, funeral and testamentary expenses, to be paid and satisfied by my executors hereinafter named as soon as conveniently may be after my decease.

2. I nominate, constitute, and appoint my friends Fred Meyers, of the township of Fullerton, in the county of Perth, farmer, and William Stoskopf, of the same place, farmer, to be the executors of this my will.

3. I am the owner of lot number 6 and the east half of lot number 7 both in the 3rd concession of Fullerton, containing 150 acres of land, and it is my wish that my son Edwin should come into possession of this farm on his reaching the age of 18 years, when he will be able to work the farm, should I die before he reaches that age, and I devise said farm to my son Edwin.

4. It is my wish that my son Edwin shall get all farm stock, farm implements, and farm produce on the farm at my death, or the value thereof, when he comes into possession of the farm. Should my son Edwin not be able to work the farm, my executors shall sell off all farm stock, implements, and produce, and rent my farm (allowing my family to occupy the house on the farm) to the best advantage, and expend the money arising therefrom in the maintenance and education of my children until my son Edwin arrives at the age of 18 years.

5. I direct my executors and I charge the land devised to my son Edwin with the payment of \$5,000, and the sum of \$5,000 and \$1,500 from a mortgage which I hold I direct shall be divided as follows: to my daughter Ida Christina, \$1,000, to my daughter Mary Ann \$1,000, to my daughter Lydia \$1,500, to my daughter Martha K. \$1,500, and to my daughter Rosetta \$1,500, having made provision for my two eldest daughters for an additional \$1,000 to each of them by way of life insurance. There is a