

McKinnon was not an employee of defendants. For the same reasons, there was no liability of defendants created to pay out of the hospital fund.

Appeal allowed with costs, and action so far as it relates to the \$280 dismissed with costs.

SEPTEMBER 14TH, 1903.

DIVISIONAL COURT.

RE O'SHEA.

*Will—Construction—Devise of Land—Direction to Devisees
—Maintenance of Sisters.*

Appeal by Susannah O'Shea from an order of STREET, J., in Chambers, ante 224, on an application by the executors of the will of Thomas O'Shea, under Rule 938, for a determination as to the rights of the appellant under the will, which directed "my said executors or my said two sons to give to their sisters, Bridget and Susannah, each a cow and a proper and sufficient bed and bedding in case of their marriage; until they marry, my said sons are bound to keep them in a suitable manner, free of expense; and I direct that so long as they or either of them keep house for their brothers they or she are to have full control of the poultry on the place and of the eggs, also of the butter each year after the factory closes, and until same re-opens again, all moneys derived from such sources to belong to them the said two girls for their own use and benefit share and share alike." The appellant's contention was that she might reside where she chose and that her brothers were bound to pay her a sufficient sum to enable her to maintain herself. Street, J., declared that the sons sufficiently complied with the will if they offered to support their sisters on the farm or in their home situate elsewhere.

R. R. Hall, Peterborough, for appellant.

G. Edmison, K.C., for respondents.

THE COURT (MEREDITH, C.J., MACLAREN, J.A.), held that the decision below was right, and dismissed the appeal with costs.