

in trust for the testator's children in equal shares; the sons to receive their shares on attaining age; the shares of the daughter are to be invested, and the income paid to them without power of anticipation. The will provides that when the residuary trust fund "yields to each of my daughters an income of not less than \$800 per annum all surplus income arising from said residuary trust fund is to be divided equally between my said wife and my said daughters, share and share alike." The fund held to answer the wife's annuity is to be ultimately divided amongst the children.

The question raised is as to the meaning of the clause above quoted, relating to the surplus income from the residuary trust fund. The wife claims that it is to be divided into two shares, one of which is to go to her and the other to her three daughters, share and share alike. The daughters, on the other hand, contend that the income is to be divided into four shares.

I have read many cases, but have failed to find any that throw real light upon the words used; and I have come to the conclusion that the daughters' contention must prevail.

The argument for the widow hinges mainly upon the meaning of the word "between." It is said that this implies a division into two equal parts; but, apart from the fact that the strict etymological meaning of the word "between" is not always observed, and that it is frequently used as equivalent to "among," I find it stated in Murray's dictionary that the word may be used as "expressing division and distribution to two (or more) partakers;" and, after giving many senses in which the word can be properly used, this note follows: "In all senses 'between' has been from its earliest appearance extended to more than two."

In seeking to ascertain the intention of the testator from the words used, I cannot shut my eyes to the general scope of the will. There is first the setting apart of a fund sufficient to produce an income for the widow of \$800. Then there is the setting apart of the residuary fund to produce an income for the daughters. As soon as the income of each daughter equals the income of the mother, then the testator naturally and reasonably provides that the surplus income should be divided—as I think—into four shares, so that the mother and daughters shall be put in a position of equality as to income.

The costs of all parties may come out of the estate.