

HON. MR. JUSTICE BRITTON.

JUNE 22ND, 1914.

RE ALEXANDER WOOD ESTATE.

6 O. W. N. 611.

Will—Construction—Advice and Direction of Court—Executors—Discretion—Annuities—Insufficiency of Income—Resort to Corpus—Shares of Infants—Vested Estates—Period of Distribution—Costs.

Petition by executors and trustees for advice and direction and for the determination of certain questions as to the construction of a will.

Single Court, Ottawa, April 11th, 1914.

Another aspect of this matter came before His Lordship at Toronto. See 6 O. W. N. p. 168.

Wm. McCue, for executors.

A. C. T. Lewis (Ottawa), for Official Guardian.

HON. MR. JUSTICE BRITTON:—This matter now comes up on the petition of the Toronto General Trusts Corporation, they having become executors and trustees of this estate.

This petition sets out the facts in connection with the management of the estate, presents a copy of the will of Alexander Wood, and asks certain questions. These questions are not easily answered in any brief way, perfectly satisfactory to myself. An answer to them has become necessary by easy-going administration of the estate, extending over many years. The Toronto General Trusts Corporation having now taken hold under the particular circumstances of what I may call involved administration, are entitled to such advice and direction as the Court may be able to give.

The questions are:

(1) Are any children of Stephen Wood born after the death of the testator, Alexander Wood, entitled to share in the estate?

My answer is "Yes." The interpretation of clause 8 of the will is, that all the children of Stephen Wood who attain majority are entitled to take.

(2) Do the children of Stephen Wood, who may be found entitled to share in the estate, take vested interests in the corpus?