

ACCUMULATIONS—GENERAL RESIDUARY BEQUEST—ACCUMULATIONS BEYOND 21 YEARS—ACCUMULATIONS ACT, 1800 (39-40 GEO. III., c. 98)—(R.S.O., c. 110, s. 2).

*In re Garside, Wragg v. Garside* (1919) 1 Ch. 132. In this case a testator had devised certain real estate to his trustees on trust to apply a competent part of the income for the maintenance of his son Abraham, and, subject to certain provisions for the children of Abraham in case he had any, which he did not—he directed the estate to be held subject to the uses of his residuary estate, and he directed that his residuary estate should be applied in payment of debts and funeral expenses and legacies and certain annuities until his youngest child attained 21 and to accumulate the surplus income, and on his youngest child attaining 21 he devised and bequeathed his residuary estate to his son Frederick for life, and after his death to his children. Abraham died in 1918, and during his life part of the income of the estate first mentioned was applied for his maintenance and the surplus accumulated. The testator died in 1893, and the youngest son attained 21 in 1896. The accumulations at Abraham's death amounted to £12,000, and the question was who was entitled thereto. Astbury, J., who heard the application, held that the accumulations for a period of 21 years after the testator's death formed part of the capital of the residuary estate; but that the subsequent accumulations being subject to the Accumulations Act (39-40 Geo. III., c. 98) (R.S.O., c. 110, s. 2) were income and belonged to the tenant for life.

WILL—CONSTRUCTION—GIFT TO THREE AND TO THE "SURVIVORS OR SURVIVOR."

*Powell v. Hellicar* (1919) 1 Ch. 138. A nice little problem of construction was presented to Younger, J., in this case. A testatrix who died in 1858 gave her residuary estate to trustees upon trust for her nephew Charles and her two nieces Catharine and Mary for their respective lives only, and after their respective deaths then in trust for their respective children who should attain 21 or die under that age leaving issue, such last mentioned child or children taking *per stirpes* and not *per capita* and in case either of the nephew or nieces should die without leaving a child or children then the share of each of them so dying "shall from time to time go to the survivors or survivor in like manner as hereinbefore provided in regard to their original share or shares," and, subject to the trusts thereinbefore declared, the testatrix gave her residuary estate to one Hassell who predeceased the testatrix.