

that class, or to the assured himself, or to his estate:" sec. 151, sub-sec. 3.

The motion fails, and it is declared that Alberta Lucinda Snyder, Florence Maude Snyder, and Clayton Henry Snyder, who were at the time of the death of Simon Snyder his infant children, are entitled to the fund created by said benefit certificate and paid into Court, in equal shares, less the sum of \$15 to be transferred to the account of the official guardian for his fees on this motion. And Alberta Lucinda Snyder having since the death of her father attained the age of 21 years, it is directed that her share, together with the accrued interest thereon, be paid out of Court to her; and that the shares of the other infants be paid out to them on their respectively reaching the age of 21 years.

The costs of the executors, as between solicitor and client, to be paid out of the testator's estate.

BRITTON, J.

JUNE 28TH, 1902.

CHAMBERS.

RE PETTIT.

Dower—Election—Distributive Share of Estate.

Application by the Trusts and Guarantee Co., guardians of the estate of Charles Harold Pettit, a son of William J. Pettit, deceased, under Rule 972, for an order as to the distribution of the proceeds of the real estate of the deceased, and the apportionment of the dower of Rebecca Ellen Pettit, also deceased.

T. R. Atkinson, Simcoe, for applicants.

G. W. Wells, K.C., for administrator *de bonis non* of William J. Pettit's estate.

E. E. A. DuVernet, for administrator of widow's estate.

F. W. Harcourt, for official guardian.

BRITTON, J.:—The widow of the intestate took out letters of administration, and, with the consent of the official guardian, the land was sold, and she joined in the conveyance as administratrix and individually to bar her dower. The purchase money was paid into Court, the administratrix reserving the right to elect as to whether she would receive a distributive share of the estate or her dower in the land. It seems to have been clearly understood that she had a right to dower, and that she was to be paid out of the fund in Court a sum in lieu of dower, unless she elected to take her share.

Subsequently she executed what purports to be a declaration of election, after the recital, in these words:—