

and if my said trustees are satisfied as to his steadiness they are to treat my said son, George, in respect to the said allowance in the same manner as my said daughters, Josephine and Louise. I direct that the said annual allowances hereinbefore directed to be paid to my wife and my said sons and daughters shall be paid semi-annually, on the first days of January and July, in each and every year. It is my will that in the case of each of my said daughters the capital sum necessary to produce the allowance made to her be paid after her death to such person or persons as she may by will direct. It is further my will that the provision hereinbefore made for my wife be accepted by her in lieu of dower in all my lands, and that upon her refusal to assign her dower in all my said lands to my said trustees the devisees and bequests hereinbefore made to and for the benefit of my said wife shall be null and void. I direct that if the estate hereinbefore devised and bequeathed to my said trustees upon the trusts aforesaid prove sufficiently productive from the investment of the proceeds of sales of real estate and the income derived from my personal estate, my said trustees shall from time to time, and at least every two years, allot to my daughters and my son, George, the pro-rata distribution of what can be spared. It is my will and desire that the said annual allowance of six hundred dollars for three years to my said son, Henry, shall only be made as and provided he continues to practise the profession of the law, and that if my said son, Henry, should, before the expiration of the said period, discontinue the practice of the said profession, the said allowance shall cease to be made.

“Ninthly, I will and order that my said trustees, or any two of them, do, at their discretion, sell, lease, dispose of and convey all or any such portion of my real estate as shall at the time command a reasonable price, accepting as to them may seem fit a cash payment in full, or partly a cash payment and a mortgage to secure the final payment of the balance of the purchase-money, and that my said trustees shall, in their discretion, invest in provincial or other public stocks, or in such private or other investments as they may deem expedient, the proceeds of any such sales and all such sums of money as may be derived from personal debts due to me or from the sale of personal property.”

Upon these clauses two questions now arise:—

Lilla, one of the daughters of the testator, died in 1884. By her will she gave all her estate, subject to some small legacies to the Revd. Joseph Helmprecht, under whom Elias F. Schauer now claims.

The widow of the testator died in 1910.