

MIDDLETON J., in a written judgment, said that by his will the testator directed that his estate (after certain provisions had been complied with) should be divided into 13 parts. By his codicil he made the parts 14, to let in another beneficiary. The interest on each share was to be paid to a designated beneficiary. In the case of "female legatees" he sought to discourage fortune-hunters and to leave such "female legatees" to the attractions with which nature had endowed them, by providing that this income should be paid to them only while unmarried or widows and not during coverture. During coverture the income was to "accumulate," which meant, to become part of the capital of the share; on the legatee becoming a widow she was to be restored to the income derived from her share, but not to receive as a bonus or otherwise the accumulated income. This, having become capital, remained capital. "So on as often as any of the said female legatees shall marry and become widows," was this to happen to these "female legatees."

When any of the "legatees," as he called those who were to receive the income upon these shares, died, the share was to be given to the issue of such legatee; and, if any of such issue was not of age, the executors might use his or her share for maintenance.

Upon the death of a "legatee" without issue, his or her share of interest should be paid to the other persons named, and his or her share of the capital should be divided under the clause next mentioned.

This clause provided that, on the death of the last surviving legatee, all principal money in the hands of the executors should be divided *pér stirpes* among the issue of the "legatees."

On any legatee dying leaving issue, there was an immediate gift to the issue, at once payable.

On any legatee dying without issue, his share must be held, and the income divided among the diminishing class of "legatees," and on the death of the last there is to be a distribution of capital then on hand. This would be the capital of the share of the one last to die and the capital of the shares of those who had died without issue.