The legacies to John Alexander Erskine, Annie Hill, and Agnes Erskine had been paid.

All the debts, including the mortgage on the residence number 14 Saint Vincent street, had been paid.

The widow had remained in possession, and was now, by herself or her tenant, in possession, of the residence. The estate had been administered, leaving the widow in possesion of the residence and furniture, and John Alexander in possession of what was called the farm, which was the land allotted upon a veteran land grant, 100 acres, with no buildings upon it, and not under cultivation. The widow had been paid the annuity down to August, 1909; and the estate was actually indebted to the executors in the sum of $45.66, or thereabouts.

The executors, being in doubt, asked the assistance of the Court, submitting the following questions:—

"(1) Whether, upon the true intent and meaning of the will, the annuity of $400 to the widow was payable out of the corpus of the whole of the estate or only out of that part of the estate which came into the hands of the executors as cash.

"(2) Whether the executors could raise the annuity by way of mortgage of the premises number 14 Saint Vincent street, Toronto, and of the lands devised to John Alexander Erskine, in the township of Bryce, in the will mentioned.

"(3) Whether these properties should, as between them, bear the annuity in proportion to their respective values."

D. C. Ross, for the applicants.
George Wilkie, for the widow.
B. N. Davis, for the other beneficiaries.

Britton, J. (after setting out the facts as above):—The will must be construed as a whole. From the words used, what is the real meaning?

The testator intended to dispose of his whole estate. His words are: "I give devise and bequeath all my real and personal estate of which I may die possessed in the manner following . . . ." To his wife during her natural life he gave the residence, together with the contents of the same; also the yearly sum of $400, payable monthly, as long as his estate could pay the same—not for life—for the estate might not be able to continue the payment during her entire life. The house and contents the widow would have for life. She might not have it for life if sold or mortgaged to raise money out of which to pay the $400 for life; and, even if mortgaged or sold, there might not be