

Held, that the legatee was entitled to the accumulations of interest from one year after the death of the testator, and not from his attaining 21 only.

Fuller v. Macklem, 455.

19. A testator by his will, after making sundry devises and bequests, directed the residue of his estate to be applied by his trustees, "unto and to the uses following: First. In case my dear mother survives me and my nephew *S. M.* attains the age of twenty-three years, then all my residuary estate is to be valued by my executors, and divided into five equal shares, and one equal share is to be paid to my mother, or in case of her death before such division, then to be paid over or transferred to such person or persons or in such manner as she may by her last will and testament direct." The testator's mother survived him, but died before the estate had been divided or valued:

Held, that she took an absolute interest in the property so thereby given to her, and not a power of appointment merely; and that the same passed under the residuary clause in her will.

Becher v. Miller, 528.

20. A testator, by his will, bequeathed "the sum of \$500, to each of the four children of my brother *G. R.*, on their attaining their twenty-first year." At the date of this will, *G. R.* had five children—one son and four daughters—which fact was known to the testator, who had been heard to say that he would provide for the daughters, but that *G.* himself must provide for the son. By a previous will the testator had bequeathed the sum of \$500 to each of the four "daughters" of his brother *G. R.*; and the person who drew the will proved that the testator in giving him instructions therefor, said that "he wished to leave \$500 to each of *G.'s* four children the same as in the old will."

Held, (1) that evidence of the instructions so given was properly admissible for the purpose of rebutting any presumption of any change of mind of the testator, and thus shewing which four of *G. R.'s* children were intended to be benefited by the bequest, and (2) that the bequest was contingent upon the legatees respectively attaining their majority.

Ruthven v. Ruthven, 534.

21. The bequest of a testator's chattels, when unrestricted either expressly or by the context of the will, covers all the personal estate; but, where a testator after directing his executors to pay all his just debts and funeral expenses out of his *personal property*, bequeathed all his *chattel property* to his son, and then made sundry pecuniary bequests payable out of his *personal property*, and it appeared that after deducting the chattels—*i.e.* fur-