as if he had said, "The residue of my estate shall be equally divided between all my said children share and share alike." That is to say, the will should be read as if it said, "The residue of my estate shall be divided into equal shares, one share for each child just named, but the share of Mary shall be equally divided between her children, they to pay interest to their mother." Construing the gift of residue as a gift to a class would, in the event of Mary's death before the death of her father, have cut off Mary's children, in the face of the clearly expressed intention that these children should take their mother's share. These children were to take in any event. . . .

It was argued that, as the testator at the time of making the codicil had in remembrance the fact of the death of four of his children, leaving issue, had he desired to provide in any way for these grandchildren, he would have then done so. I think the argument stronger that the testator was of opinion that the grandchildren would take their parents' shares, and so were in fact already provided for by his will, which in that respect he confirmed.

Having reached a conclusion as to the testator's meaning, I am bound, so far as in my power, to give effect to it, unless the rules of law and construction which the authorities have laid down compel me to do otherwise. The rule is perfectly clear that in a gift to a class only the members of the class living at the time of the death of the testator can take. To warrant my construction of the will, the gift to the children of the testator must not have been to them as a class. . . .

[Reference to In re Stansfield, 15 Ch. D. 84.]

Here the testator had seven children. He had mentioned these, each by name, and each as son or daughter, immediately before dealing with the residue, and he then said, "The residue of my estate shall be equally divided between all my children, share and share alike, and the share of my daughter Mary shall be equally divided between her children. . . ." On the face of this will, with the knowledge that there were in fact seven chidren, it seems plain to me that the testator intended his residuary estate to be divided into seven shares. The answer made is, that the testator did not say "seven;" did not say "my said children;" did not say "my children hereinbefore named;" and so the rule must be applied. Gathering as I do, not from mere guess, but from the will and the facts before me, leading to absolute conviction that the testator meant in this case that the residuary estate should go to the children he had already named, I