

estate is to be made when the youngest child attains the age of "twenty-five." The will says "twenty-one," and twenty-five is first mentioned in the codicil; but in the result nothing appears to turn upon this. In the same sentence the word "realize" is used. This is not the word used in the will; the exact language there being the expression "sell and convert into money." This may be material when we come to consider the meaning of the same word in the codicil.

I think the codicil can be best construed by taking it as a whole and reading it with the will, endeavouring to ascertain from the language used what was in the mind of the testatrix, rather than by construing the different clauses or sentences separately without regard to the context.

The following is a verbatim copy of the codicil, with the punctuations in the copy certified by the Surrogate Registrar:—

"Not feeling satisfied with the provision made in my will for Bertha Hope Smith my only daughter, I hereby add this codicil.

"I desire that the sum of six hundred (six hundred dollars) dollars a year be paid her out of my estate by my executor or executors for her maintenance and education until she attain the age of twenty-five years, if at that time she should be married then for the remainder of her lifetime I desire my executor or executors to allow her for her own use and benefit the sum of four hundred dollars (four hundred dollars) a year unless the income realized through or by my property on division should yield more to each surviving child or children should such be the case then I authorize such division to be made, Bertha having attained the age of twenty-five years as aforesaid. Should Bertha remain unmarried then she is to be paid the sum of six hundred dollars a year in quarterly instalments by my executor or executors for the remainder of her life. Whatever my estate realizes over and above the payment of this bequest to Bertha and a provision made for my husband and executor J— D— Smith in my will is to be equally divided between my surviving sons or their surviving child or children as provided in my will.

"This bequest to Bertha is to supersede all others made in my will, with the one exception of the provision made for J— D— Smith my husband.