

disjunctively. The right of each of these primary beneficiaries to take was not absolute, but contingent upon his or her being alive at the death of the testator's wife. There was a gift to individuals with a substitutionary gift in the case of any of them leaving heirs surviving the testator's wife. The will should be construed as including all brothers and sisters—all the children of the testator's father. The property is to be divided into as many shares as there are brothers and sisters of the testator and his wife then alive, and of any one of these who had died who left heirs surviving the testator's wife; the aggregate of "the heirs" of any deceased "brother or sister" will take only the share the brother or sister would have taken had he or she survived; and this share will be again distributed according to their number and their relationship and to the person for whom they are substituted, under the Statute of Distributions.

The costs of all parties should be paid out of the estate—those of the executor on a solicitor and client basis.

MIDDLETON, J.

FEBRUARY 7TH, 1918.

\*RE INGRAM.

*Will—Construction—Bequest of Residue to Daughter—Small Residue when Will Made—Estate largely Increased before Death of Testatrix—Will Speaking from Death—Wills Act, sec. 27—"Unless a Contrary Intention Appears by the Will"—Evidence to Shew Intention of Testatrix after Increase in Estate—Inadmissibility—Contrary Intention not Deducible from Will—Residue of "Moneys or Securities for Money"—Residuary Legatee Entitled to both—"Or" read as "And."*

Motion by the executors of the will of Catharine E. Ingram for an order determining a question arising in the administration of the estate of the testatrix, involving a construction of the will.

The motion was heard in the Weekly Court, Toronto.

H. S. White, for the executors.

E. G. Graham, for Stella K. Ingram.

G. W. Mason and A. G. Davis, for the other adult children of the testatrix.

F. W. Harcourt, K.C., Official Guardian, for the infants.

MIDDLETON, J., in a written judgment, said that the testatrix died on the 10th January, 1917, having made her will on the 18th