

\$409.80, with costs. Order allowing Hayes to take the \$182.20 and interest out of Court and apply it pro tanto on his debt. F. E. O'Flynn, for Blohm. A. Abbott, for Hayes.

RE SANDERSON—SUTHERLAND, J.—NOV. 20.

Will—Construction—Division of Estate among Children—Shares of Estate—Share of Absentee—Presumption of Death Intestate—Vested Interest.]—Motion by the National Trust Company Limited, trustees under the will of Thomas Sanderson, deceased, for an order declaring the true construction thereof in respect of two questions arising thereunder. The will was dated the 28th June, 1897; the testator died on the 1st July, 1898. The testator gave to his wife all his real and personal property for her personal use and for the education and maintenance “of our children now living at home. When our youngest child shall have arrived at the age of 23 years, all properties, if not sold before, shall then be sold. The proceeds, together with my insurance moneys, shall then be divided as follows: the sum of \$10,000 shall be put out at interest for the support of my wife . . . she having the interest paid to her so long as she shall live. Any surplus which may be over and above the said \$10,000 shall then be divided as follows: to my daughters Laura Edith Pym and Ida Victoria Sanderson one full share; to my daughter Mary Maud Purvis one half share; to my sons Albert Henry and Edward John and Thomas Wilfred Sanderson one full share; to my son Oliver William one quarter share. At the death of my wife . . . the \$10,000 shall be divided among our children then living in the same proportions as mentioned above in the first division. When our youngest child shall have arrived at the age above mentioned the executors will divide all moneys then on hand among our children then living in portions as mentioned above.” Held, that the testator meant by the word “share” a comparative interest in the estate as between the persons named in that clause of his will, and that those mentioned therein take the following shares: Laura Edith Pym, one full share; Ida Victoria Sanderson, one full share; Mary Maud Purvis, one half share; Albert Henry Sanderson, one full share; Edward John Sanderson, one full share; Thomas Wilfred Sanderson, one full share; Oliver William Sanderson, one quarter share. As Edward John died intestate on the 23rd May, 1903, his share will fall into the residue