

tion which implies that the control is to continue, and hence if there were nothing more that the division among the children must be postponed. The annuity to Bertha evidently depends upon "income" for it is payable unless the "income" on division should yield more to each child. If it "should" yield more, then the testatrix authorizes such division to be made. What division and of what? With much deference it appears to me that what is referred to is the division among her four children of their shares of the corpus, the income-producing property referred to in the 7th and 9th paragraphs of her will. If her husband were alive the share of each child on division "should" bring one-fourth of about \$610. If her husband were not alive each "should" have on division one-fourth of about \$1,350. In either case the income which Bertha's share "should" realize would under the \$400. So long as that continued, her income is to be made up to \$600 or \$400 from the income of the whole.

But the testatrix manifestly had in view that the income might become larger than \$1,600, as it subsequently did, and so she provides that if that should happen, then the division contemplated by the will need no longer be postponed but may be made at once, because Bertha's own share will yield her the income which the testatrix desires to assure to her. The words "should yield" plainly, I think, mean "ought to yield" or "would yield." It seems to me that nothing was further from the mind of the testatrix than the doing away with the distribution eventually of her estate among her four children or doing anything other than the mere postponement of that division which here by the very words of the codicil she shews that she looks upon as a thing of course. The word "division" cannot, it would seem to me, refer to a division of income, for there was no division of income to take place under the will, and it is a division under the will and not under the codicil that the testatrix is here referring to.

The codicil then proceeds: "Should Bertha remain unmarried then she is to be paid the sum of \$600 a year in quarterly instalments by my executor or executors for the remainder of her life."

It is quite possible that the testatrix did not think Bertha's own share would ever bring in or realize more than \$600 per annum. Whatever may have been in her