

This will came before the learned Chancellor of Ontario for construction, in June, 1888, when he decided that "the bequest to the female legatees providing for the payment of interest on their shares of the fund to them, only so long as they were unmarried or widows, and that during the coverture of any, the interest shall accumulate, etc., is a valid limitation as distinguished from a condition; and is to take effect according to the terms of suspension used in the case of one who is at present, and was at the date of the will, married, and also in the case of one who shall hereafter marry: *Heath v. Lewis*, 3 De G. M. & G. 956."

The defendant Jessie McLagan received her share of the interest or income from the trust estate up to the date of her marriage, but no sums have been paid to her since that date, and the interest or income which would but for her marriage have been paid to her, has been retained by the plaintiffs, and the amount thereof, with interest which has been received thereon, was, on the 21st day of November, 1901, \$1,406.25, and the plaintiffs are ready and willing to pay such sum, but are in doubt as to whom the same is payable to.

The questions now are :

1. As to who is entitled to the accumulations of income in respect of the share of the defendant Jessie McLagan during her marriage, and whether the same are now payable to her.

2. As to whether the defendant Jessie McLagan is entitled from the date of the death of her husband to the share of the income accruing from that date, which would have been payable to her had she never been married.

3. What disposition is to be made by the plaintiffs of the accumulations on the share of the said Jessie McLagan during her marriage, and of the income payable in respect of such share in the future.

As to question 1, I am of opinion that the words "and shall be payable to her or them *again*," exclude the idea that the widow is entitled to the accumulations. The will was not drawn by a layman, but by a lawyer, and if the intention had been that the accumulations should be paid to the widow, such words as "with the accumulations thereon" would have been inserted.

Further, the word "again" indicates being "back in a former position or state; anew; once more as before:" see Murray's new dictionary, *sub verb.*, A. 3, 6; Macaulay's History of England, vol. 2, p. 78, "The principles of the Treaty