HIGH COURT DIVISION.

FALCONBRIDGE, C.J.K.B.   JULY 12TH, 1916.

RE HOBBS.

*Will—Construction—Direction to Executors to Sell Land and Invest
Proceeds—Sale of Land by Testator after Date of Will—Will
not Revoked—Duty of Executors to Pay over Income from Estate
to Widow during Lifetime—Distribution after Death of Widow.*

Motion by the widow of Edward Hobbs, deceased, and by
two of his sons, George and Robert, for an order determining
certain questions arising upon the will.

The motion was heard in the Weekly Court at London.

Leonard Harstone, for the applicants.

P. H. Bartlett, for the next of kin who would have an interest
in case of the intestacy of the testator.

J. W. Graham, for the executors.

FALCONBRIDGE, C.J.K.B., read a judgment in which he first
set out clauses 3 and 4 of the will, as follows:—

"3. Until the expiration of the lease of my farm I direct my
said executors to collect all the rent accruing due therefrom and
after payment of interest on mortgage to pay the balance of rent
to my said wife Sarah Hobbs during term for which same is leased.
After the expiration of said lease I empower my said executors
to sell my farm and out of the proceeds to pay off the mortgage
on same and any other debts which I may have and the balance
of money derived from such sales to invest in good mortgage
security and to pay to my wife during her life or so long as she
remains my widow the interest accruing thereon and so much of
the principal as may be necessary to support and maintain her in
the same manner as she was supported and maintained during
my lifetime.

"4. After the death or marriage of my wife I direct my said
executors to divide any money remaining among my three sons
George Hobbs John Hobbs and Robert Hobbs share and share
alike but should any of my sons predecease my wife or should any
of them die before she remarries (in the event of her marriage)
without leaving any children such son surviving then and in such
case the money shall be divided between the remainder of my sons
hereinbefore named."