

be invested, and the income arising from each share was to be accumulated until the remaining three children respectively attained twenty-one, when they were each to receive the annual income thereof, until the youngest (son) F. attained the age of thirty, when he was to get his share out and out, and thereafter the income of the remaining two shares was to be paid equally to the two daughters C. and J., until one of them should die, and then one share was to be paid to the person or persons who would be entitled thereto under the Statute of Distributions in case such share was the property of the daughter so dying. C. attained twenty-one, married, and died before F. attained twenty-one, having made her will and left all her property to her husband for her children.

*Held*, that the proper effect of the will of A. was to vest in C.'s husband and children the one fourth share: that she was to draw the income of it for life, and that they were the persons entitled under the Statute of Distributions pertaining to the personal estate of married women who die intestate: R. S. O., ch. 125, sec. 25. *Arkell v. Roach*, 699.

9. *Will—Construction—Annuity—Residue—Dower—Election.*]—A testator, by his will and codicils, devising his real estate, &c., to G. H. M. and B. M., trustees, and the survivor of them, and the heirs of such survivor, gave his widow an annuity and provided that when his son should attain the age of twenty-one his trustees should convey to him one-half of the estate and the residue when he should attain thirty, subject however to the annuity. He also provided that if his son should die before attaining the age of thirty, the said trustees or trustee should

hold "the said real and personal estate, moneys, and securities, or so much thereof as shall remain in their hands, in trust to distribute the same according to the Statute of Distributions." The last codicil appointed G. E. T. & G. R. and the survivor of them, and the heirs, executors, administrators and assigns of such survivor new trustees and executors in place of G. H. M. and B. M., with the same powers.

The son attained the age of twenty-one, received half of the estate, and died before attaining the age of thirty unmarried and without issue.

*Held*, that the widow was entitled to her annuity as well as her share under the Statute of Distributions; but that the testator, having treated the real and personal estate as a blended fund to be distributed, she was not also entitled to dower, and that she must elect between the distributive share and the dower. *Re Quimby, Quimby v. Quimby*, 738.

*See ESTOPPEL*, 2.

## WORDS.

"Person aggrieved."—*See INSPECTORS—MUNICIPAL CORPORATIONS*, 2.

*Effectually prosecute.*]—*See APPEAL*.

*Good cause shewn.*]—*See COSTS*, 2.

*Syndicate.*]—*See FRAUD AND MISREPRESENTATION*, 4.

*Community property.*]—*See HUSBAND AND WIFE*, 3.

*Investing in.*]—*See INVESTMENT*.