

of money may be to my credit in any bank or upon my person or in my domicile at the time of my decease, for the purpose of enabling my said daughter to meet the immediate current expenses in connection with housekeeping."

At the date of the will it is said that the testator had only a small sum to his credit in the bank; but, quite apart from the Wills Act, the testator here speaks of the money to his credit at the date of his death. He then had to his credit \$17,200. The question is, does this all belong to Sarah? She claims it.

Counsel did not refer me to any case like this, nor have I been able to find one. Had the gift been to the daughter for her own use, an expression of the motive or object or purpose of the gift would not interfere with her absolute title; but here the testator has expressed a purpose which is not personal to the daughter. It is, I think, more than mere motive; it amounts to a trust. The testator was maintaining a household. His daughter was living with him. On his death he did not contemplate an instantaneous scattering of the family living with him; and the money on hand, either as cash in the house, or on deposit in the bank, was given to his daughter "to meet the immediate current expenses in connection with housekeeping;" not merely his household debts, but all that could fairly be regarded as falling within that designation during a reasonable time after his death, pending the family reorganisation. All money not needed for that purpose belongs to the estate as a resulting trust. In *re West*, [1901] 1 Ch. 84, collects the more important authorities.

The remaining question arises on the first clause of the will. Apparently Rebecca Barrett, the testator's wife, had borrowed \$60,000, and placed a mortgage for this amount upon her property. This was done for the accommodation of the husband. He was a life-tenant of the wife's property under her will, and it is to be presumed, kept down the interest upon the mortgage during his life-tenancy. By the clause in question he charges all his real estate, including leasehold property, with the payment of the mortgage upon the wife's property, acknowledging that the mortgage was executed by the wife at his request to secure the debt due by him. The question submitted is, is the estate of Rebecca Barrett a creditor of the estate of the testator for the amount of the mortgage, or is the only effect of the charge and acknowledgment that the real estate of the testator is charged with the payment thereof? The wife during her lifetime was a creditor; upon her death her estate became