

Ellen Todd, the said sum of \$1,800 to be equally divided between my said above mentioned children."

The widow, Ellen Todd, died on the 21st October, 1908.

Martha Mastin, one of the testator's children, died on or about the 11th September, 1885, and Elizabeth Horn, another of the children, died between the death of the testator and that of the widow, Ellen Todd. Since her death also, namely, on or about the 21st April, 1909, John Todd also died intestate, and letters of administration to his estate have been granted to Walter Todd. On the 30th May, 1909, another of the children—Ann McKnight—died. Martha Mastin left her surviving at her death six children, . . . Elizabeth Horn left her surviving the following children, . . . (three). John Todd left him surviving the following children, . . . (eight). Ann McKnight left no children her surviving.

The main question to be determined on this application is, whether the children of Elizabeth Horn and Martha Mastin now take the shares which their respective parents would have taken in case they had lived until after the death of their mother, the annuitant, Ellen Todd.

I think it clear upon the wording of the will that each of the testator's children named therein took thereunder at his death a vested interest in the said sum of \$1,800 which was to become available upon the death of the annuitant.

It is said that the applicant, Walter Todd, is in very poor health, and it is difficult for him to now transact business. It is suggested that his son Peter R. Todd be appointed to assist him in what is necessary to be done in order to receive and distribute the said sum of \$1,800, and obtain a discharge of the mortgage given by the plaintiff as aforesaid. The applicant and last surviving executor were represented on the application, as well as all the children of Elizabeth Horn and John Todd, and three of the Mastin children.

It is said that Ann McKnight was at the time of her death an inmate of the Bruce County House of Refuge, and that, previous to her decease, an order was made by the County Court Judge of that county, vesting all her property in the Treasurer of the County of Bruce to secure the payment of her maintenance, under the statute in that behalf. The County of Bruce is also represented by counsel who appears for other parties as well. All parties interested are said to be of the full age of twenty-one years.

It is suggested that Walter Todd be appointed to represent the heirs of John Todd, and the estate of Ann McKnight, and that