

to my wife quarterly a quarter of such sum as they may reasonably expect my estate to produce per annum, after first paying to my sisters Caroline and Emeline, if they are still unmarried and not otherwise, the sum of \$25 each per quarter;" and the particular word therein as to which doubts have arisen is the word "quarterly."

In Stroud's Judicial Dictionary, 2nd ed., vol. 3, p. 1637, the word "quarterly" has been defined as follows: "Where an annual rent, salary, or (semble) any other annual payment, has to be made 'quarterly' without more, that means, by four equal portions on the usual quarter-days." And the case of *Vanaston v. Mackarly*, 2 Lev. 99 (26 Car. II., in Banco Regis), is cited in support of that view.

It is contended on behalf of the infants that the word "quarterly" means by quarters, and that, while when words are of doubtful meaning the Court has power to expunge or add to when necessary to construe, it is not called upon to go beyond the words in a plain case, even though the result might appear to be unjust to a person interested.

It is contended on behalf of the executors, on the contrary, that the whole scheme of the will is to allocate and dispose of the income during the life of the wife; that, if she remain unmarried, she is to receive it all subject to the deductions in favour of his sisters Caroline and Emeline referred to in clause 10, and one half less if she re-marry, in which case the balance of the income is still disposed of during her lifetime, and goes to the same two sisters of the testator.

Reference is made in this connection to the fact that in clause 6 the wife is permitted "during her lifetime to use and enjoy the dwelling-house and premises with their appurtenances. . . . and the household furniture and household effects;" and in clause 7 she is given unlimited power and discretion "during her life to use and dispose of such furniture and household effects;" and particularly to clause 11: "Should my wife marry again, I direct the said company to pay to her quarterly one-half the amount specified in clause 10, and the balance of the yearly income to be paid to my sisters . . . if they are still unmarried."

There is nothing to shew that the testator intended that during her lifetime any part of the income should accumulate and form part of the residuary estate, nor is there a residuary clause which would seem to apply thereto.

I am of the opinion that "quarterly" means every quarter of a year, once in a quarter; and that, if this can be considered