

Held, that she was entitled to interest from the death of the testator only. *Ib.*

13. A testator, after making sundry dispositions of his estate, devised a portion of it to executors to sell, and the proceeds after payment of debts, "to divide equally between my said son *C. W. S.* and my daughters by my first marriage." The testator had been thrice married. Of the first marriage there was no issue, male or female, living at the date of the will—several years after the death of his first wife. By the second marriage he had issue, one son, *C. W. S.*, and four daughters, all surviving. By his third wife, who survived him, he had issue, one son, *J. S.*, and four daughters.

Held, that the daughters by the second marriage sufficiently answered the description in the will, who, with their brother (*C. W. S.*), were entitled *per capita*: not that *C. W. S.* was entitled to one moiety, and the daughters, as a class, to the other moiety; that so far as the suit was rendered necessary, —by the ambiguity arising out of the inaccurate description of the class the testator intended to benefit,—the costs of all parties should be borne by the estate; but that *C. W. S.* must bear the costs incurred by him in asserting his claim adversely to his sisters.

Ling v. Smith, 246.

14. A testator by the residuary clause in his will gave and bequeathed "all the remainder of my real and personal estate whatsoever of which I may die possessed or be in any way entitled to, to my dear wife *Ann*, and on her decease the same to go [to] my heirs and next of kin."

Held, that the son of a deceased daughter, who had predeceased the testator, was entitled to a share in such residue (personal as well as real), notwithstanding the fact that under the will such grandson was entitled to a legacy of \$4000.

Rees v. Fraser, 253.

15. *Held*, that a bequest by a testator to his widow of the annual income from the real and personal estate during her widowhood and until the eldest son attained his majority, for the support of herself and the maintenance, education, and support of all the children during their minority; and after the eldest attained 21, and as each reached that age, the income to be paid to them proportionally after making ample provision for the support of the widow during her widowhood, did not indicate an intention on the part of the testator to give her this in lieu of dower.

Laidlaw v. Jackes, 293.