

No doubt one of the objects, and possibly the only object, the testatrix aimed at in fixing the term of 5 years was to provide for such of the unmarried daughters as had not taken vows. It may, however, well be that for other reasons the testatrix desired to have her estate as a whole administered for five years, and that Vincent should not get his share until the expiration of that period. But, whether there were other reasons or not, this is a case in which the statement of limitation is so clear that it must prevail, and cannot be shortened. The answer to the question must be in the negative.

2. Should the income of the estate since 3rd September, 1904, be divided or allowed to accumulate?

I am of opinion that as to the income of the estate since 3rd September, 1904, and until the expiration of the 5 years, there is an intestacy, and that it should be paid out to the children, who are entitled, in equal portions, and that one-sixth, the share of Madeline, shall be applied for the support and maintenance of her infant child.

3. It was, I think, the clear intention of the testatrix that under no circumstances should there be any division of the whole estate or the setting aside of any portion of the corpus within the term of 5 years. The trusts created by the will should be executed, and the one-sixth belonging to the infant should not be separated until Vincent becomes entitled to his share.

4. The trustees should keep the estate invested until the time arrives for ascertaining and setting apart one share, and then all the shares should be ascertained, separated, and set apart.

5. The trustees are entitled to retain possession of the share of the infant until the separation of her share.

The present opinion and order upon the case presented will be without prejudice to any application, when the shares are separated, or upon new facts or conditions, that may be necessary on behalf of the infant or her guardian, or by the official guardian, or by the trustees, for handing over or payment into Court of the infant's share or for any order, advice, or direction in reference thereto.

Costs of all parties out of income.