

and determining questions arising in the performance of the duties of the executors under the will.

The will (after a direction to pay debts and funeral expenses) was as follows:—

“I direct that all the residue of my property both personal and real shall be given to my wife . . . to hold in trust during her lifetime for my children and at her decease the whole of such property composed of my farm . . . together with stock and chattels of every kind shall be sold and the proceeds equally divided among my children, except that my son George shall receive \$100 more than each of the other boys and girls.

“I desire that the old home shall still be a home for the family as much as possible and that any of the boys or girls who may be needed at home to help on the farm shall receive wages after they become of age.”

The applicants raised for consideration the questions whether the children took a vested estate upon the death of the testator; and whether Hugh D. Copeland, the husband of Bella McLaughlin, a daughter of the testator, who survived him, leaving children her surviving, but these children having since died, leaving their father, Hugh D. Copeland, them surviving, took the share of his deceased wife.

B. F. Justin, K.C., for the executors and for Hugh D. Copeland.

W. H. McFadden, K.C., for George McLaughlin.

T. J. Blain, for Robert McLaughlin.

Boyd, C.:—I favour the construction of this will advocated by Mr. Justin. The lands vested in the children at the death of the testator, though the enjoyment was postponed during the life of the wife, who was to keep up the house for the benefit of the family. The death of any child during the life of the wife would not affect the vested ownership of that child's share in the corpus. In these circumstances, the husband of the deceased daughter and father of his deceased issue by that daughter will take the share which the testator's daughter would have taken had she lived till the time of distribution.

Costs out of the estate.