

In *Cook v. Noble* (1886), 12 O.R. 81, it was decided by Proudfoot, J., . . . that where the right to maintenance and support is given in general terms it will cease with the marriage or forisfiliation of a child. . . .

[Reference to *In re Miller* (1909), 19 O.L.R. 381; *In re Booth*, supra; *Frewen v. Hamilton* (1877), 47 L.J.N.S. Ch. 391.]

We should, I think, adopt the rule laid down in *Cook v. Noble*. That case was decided more than a quarter of a century ago; it is probable that during that period many wills have been drawn relying upon the law being what it was held by Proudfoot, J., to be; and for that reason, and because, in my opinion, the construction which he placed upon words similar to those which were used by the testator in this case, having regard to conditions and the mode of life in this country, gives effect to what a testator who has used such language to express his wishes really meant, that construction should be adopted.

The next question is as to the rights of the sons when they have reached the age of thirty years. The will provides as follows: "I direct my said trustees to pay to each of my sons who shall reach the age of thirty years a sum equal to half that portion of my estate to which such son is entitled under this my will upon the death of his mother, such portion to be valued at the time of each son attaining his thirtieth year the valuation to be made by my executors and trustees and shall be final. Such payment to be considered as a loan from the estate."

In order to understand the effect of this provision, it is necessary to see what provision is made as to what the sons shall be entitled to at the death of their mother, and that is to be found in the following provision of the will: "Upon the death or re-marriage of my said wife I give devise and bequeath all the rest and residue of my estate not hereinbefore specifically disposed of to my said children share and share alike and I direct my said trustees to pay to each of my said children upon his or her attaining the age of twenty-one years his or her share of my estate deducting however therefrom any sum or sums which shall already have been advanced to such child and in the event of any of my said children predeceasing my said wife without leaving lawful issue him or them surviving then his her or their share or shares shall be divided equally between my surviving children who shall attain the age of twenty-one years but in the event of my said children who shall so predecease my said wife leaving him or them surviving lawful