

not desiring to live there. The daughters desired the sale of the house, and were unwilling to pay to the widow the \$2,500.

The true reading of the will was as follows:—

The house was to be held by the executors and maintained by them, at the cost of the general estate, as a residence for the widow and the unmarried or widowed daughters, for two years, and for so long thereafter as they all desired to live in it together. If, at the end of the two years, they did not desire to live in it together, the trust to maintain it came to an end, and the widow was entitled to have her dower realised out of it, unless the daughters paid her \$2,500 in satisfaction of her right of dower; but, if the daughters paid the \$2,500, the executors were to hold the house and maintain it, at the expense of the general estate, as a residence for such of the daughters as were unmarried or widows, until the last right of occupancy by a daughter should terminate, and then convey it to the three daughters as tenants in common. At the end of the two years, if the widow and the unmarried or widowed daughters did not desire to live in the house together, so that the trust came to an end, and if the daughters did not pay the \$2,500, so that the duty of the executors to maintain the house for the daughters did not arise, the house, or the proceeds after payment of the dower, would go to the daughters, share and share alike, under the residuary clause.

Upon this reading of the will, there was no room for the suggestion that the house was devised to the daughters subject to a charge of \$2,500 in favour of the widow: there was no direction to the daughters to pay anything; they were merely given the privilege of paying and so preventing the sale of the house and ensuring the maintenance of it, at the expense of the general estate, as a residence for such of them as were unmarried or widows.

The widow had formally elected to take, in lieu of dower, the benefits conferred upon her by the will; but, if all parties thought it desirable, it should be declared that, the \$2,500 not being paid, the widow should be entitled to dower notwithstanding her election.

Costs of all parties out of the estate.