

the right conferred by the will was simply a right of personal enjoyment, and that having renounced that right as regards the land she had no right to the income of the proceeds, nor to the income of the proceeds of the furniture which had been or might be sold.

WILL—CONSTRUCTION—GIFT OF INCOME ON TRUST TO APPLY ALL OR ANY PART FOR MAINTENANCE—ACCUMULATIONS—CAPITAL OR INCOME.

*In re Woolf, Public Trustee v. Lazarus* (1920) 1 Ch. 184. By the will in question in this case the testatrix gave a legacy upon trust to accumulate the income until Frances Myers attained 21 or married, and thereafter to pay the income to her for life, and after her death to hold the capital for her children who should attain 21 or marry, and in default of child or children it was to fall into the residue. The testatrix also gave her residue to be invested in trust, to apply the income or any part thereof for the maintenance of Frances Myers, until she attained 21 or married, and thereafter to pay her one-half of the income, and the other half to another person; and after the death of Frances one-half was to be held in trust for her children. Frances married in 1917 and attained 21 in 1918. She claimed to be entitled to the accumulation of the settled legacy and she also claimed the accumulations of income of the secondly mentioned residuary trust fund. It was contended on her behalf as to the secondly mentioned fund, that the direction to apply the whole or any part of the income for her maintenance entitled her to the accumulations of income; but Sargant, J., who heard the motion, was clear that the accumulations of income of the settled legacy were accretions to the capital, and he also rejected the contention as to the residuary fund and held that, notwithstanding the direction for maintenance, the accumulations of income of that fund also were accretions to the capital.

WILL—CONSTRUCTION—RESIDUARY ESTATE—"STATUTES OF DISTRIBUTION"—INTESTATES ACT, 1890 (53-54 VICT. C. 39) s. 2—(R.S.O. c. 119. ss. 3, 12).

*In re Morgan, Morgan v. Morgan* (1920) 1 Ch. 196. This was also a proceeding for the construction of a will whereby the testator had provided that in certain events, which happened, his trustees should hold the net proceeds of his residuary estate in trust for the persons or person who would be entitled at the time of the failure or determination of the prior trusts to his personal estate "under the statute for the distribution of the personal