

desire to sell, he should sell to a brother, or a member of his family, and not to a stranger. It was not intended to apply, and, in my opinion, does not apply, to the case of all those interested selling. No possible objection could come from any one now living.

The clause attempting restraint on alienation may well be interpreted as meaning that any of the testator's sons holding under the division any part of this land, shall not sell that part to one not an "heir." This objection by the purchaser is not valid.

A further objection is raised under clause 6 of the will.

The testator disposed of all his property by clause 2. The widow took it all for her life unless she should marry again. Should the widow marry, two-thirds of all the property should go to the testator's sons living at the time of the marriage of their mother.

In the event of the widow not marrying, she holds the property for her life, and then the property will go to the testator's sons living at the time of the death of their mother. Then the testator desired to provide for the case of his widow marrying before the youngest son, Fred Meredith Johnston, became of age—that is not material now, as the widow did not marry and Fred attained his majority many years ago. Then the testator added, as part of clause 6, the following: "And should any of the boys marry and have heirs, and should die before this property is divided, the heirs shall claim their parents' share." My interpretation of this clause is that the word "heirs" means children; that the division of the property means the division provided for by the will, viz., division upon marriage of their mother, should she marry, or upon her death, when that takes place.

The effect of this clause last mentioned is to add to clause 2, from the end of it, these words: "And should any of the boys die leaving children, before the property is divided, the children shall claim their parents' share:" and to add to clause 3, after the words, "my boys that may be alive at my wife's death," the words: "And should any of my boys die leaving children before this property is divided, the children shall claim their parents' share."

Under this will I am of opinion that the sons do not take any present interest in the estate of the testator. The interest of such of the sons as may be alive at the marriage or death of their mother, does not vest until such marriage or death. If any one of the testator's sons dies before division, and leaves children, then these children will take under this will the share their father