there is not an incorporated village, continues to be a private street or road, although the owner should sell a lot fronting on it, until the township council adopts it as a public highway, or until the public by travelling upon it has accepted the dedication offered by the proprietor.

R. S. O. ch. 152, sec. 62, only applies to cities, towns or incorporated villages.

A person who purchases lots according to such a plan, abutting upon streets laid out thereon, acquires as against the person who laid out the plot and sold him the land a private right to use those streets, subject to the right of the public to make them highways, in which case the private right becomes extinguished.

The right so to use a private road does not necessarily mean a right over every part of the roadway, but only to such a width as may be necessary for the reasonable enjoyment of it. *Sklitzsky* v. *Cranston*, 590.

WILL.

1. *Construction—Devise of land facing on two streets by description of house facing on one.*]—In 1886 a testator by his will devised to his brother "All that real estate now owned by me, being No. 32 on the north side of A. street for and during his life," and afterwards over, and then made a general residuary devise of the rest of his land to his sisters. It appeared that in 1867 the testator purchased the land in question with a frontage of twenty-six feet on A. street, by a depth of 200 feet to a lane twenty feet wide, which lane was in 1882 converted into P. street. At the time of purchase there was a house facing on A. street known as No. 32, and also one facing on the lane, afterwards known as No. 21 P. street, occupied as distinct tenements, and each with a fence in the rear, but with certain ground between the two fences used to some extent in common:—

Held, that the specific devise was confined to No. 32 A. street, and the lands appertaining to it, to the exclusion of the house on P. street and the lands appertaining to it, which passed under the residuary devise. *Scanlon* v. *Scanlon*, 91.

2. *Devise without mentioning what—Intention—Unintentional omission—Words read into will.*]—A testator being possessed of personalty and realty bequeathed pecuniary legacies to a much greater amount than the personalty left by him, and then bequeathed to his "executors * * * in trust, to dispose thereof to best advantage in trust, to be divided and paid over to my children in the sums mentioned and as soon as may be agreeable to the terms and conditions of certain mortgages and leases now standing against the property" without mentioning any property:—

Held, that the words "my property" presumably unintentionally omitted should be read into the will. *Colvin* v. *Colvin et al.*, 142.

3. *Construction—Devise to sons without words of limitation—"Die without lawful issue"—"Survivor"—Estate in fee simple—Estate tail.*]—The testator died in 1845, and by his will devised a farm to his two sons, without words of limitation, to be equally divided between them, adding: "And in case either of my sons should die without lawful issue of their bodies, then his share to go to the remaining survivor":—

Held, that the gift in the earlier