

any circumstances the language was too indefinite, if the clause was not invalid, to create a forfeiture.

Re Lot 27, 18th Concession of East Williams—Hamilton
v. McKellar, 116.

2. A testator directed his executors to sell and realize all his estate in such manner as they should think proper, and the residue, after sundry devises and bequests, he desired them to appportion into certain shares, one of which he directed to be equally divided among the daughters of his son S. T., deceased, to be paid to them on attaining twenty-one, or sooner if the trustees should think it to their advantage; and in the event of the death of any of his said granddaughters without leaving issue, her or their shares to be equally divided among their surviving sisters or their heirs.

Held, that this operated as a conversion of the estate into personalty and the words "dying without leaving issue" referred to the period of distribution—that is, when the legatees attained twenty-one; and, therefore, that the share of one of them who died without issue after the testator, and after having attained twenty-one, went to her personal representative; and the Court being of opinion that the difficulty was occasioned by the testator, independently of the fact that the bequest was of residue, ordered the costs of all parties to be borne by the estate.

Gould v. Stokes, 122.

3. The testator directed all his just debts, &c., to be paid; and devised and bequeathed to his wife for life, his real estate, and his "household furniture, plate, linen, and china." After her decease, he gave the proceeds of the sale of the land, and also all and singular the residue of his personal estate that might be in her possession at the time of her decease, to other parties: *Held*, that there was an intestacy as to all the personalty not specifically bequeathed to the wife.

Holmes v. Wolfe, 228.

4. A testatrix by her will devised all the rents and profits of her estate to C., an unmarried daughter, so long as she remained unmarried; and upon her marriage, the whole to be divided between her and her four sisters, but if she died unmarried the division was to be amongst her four sisters; and in case of either of those four dying before the marriage or death of C., the share of the one so dying, to go to her children; and in case of the death of any of her said daughters without leaving child or children, the share of such daughter to be divided among the surviving daughters or children of deceased daughters.

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