

willingness that the will should be construed by the Court and the rights of the parties thereunder determined had not the effect of waiving any right that might have accrued to him during the progress of the suit. *Archer v. Severn*, 615.

7. *Devise to children—Period of distribution—Survivorship—Who entitled.*—S. P. by her will provided as follows: "Also, I will and ordain that my said (property) after the death of my before mentioned daughters E. O. W. and S. A. W., be sold * * * and the proceeds * * * be divided between the children of my daughters E. O. W., M. K., and S. A. W., * * * one-third to the children of the said E. O. W., one-third to the children of the said M. K., and one-third to the children of the said S. A. W., share and share alike, and in case of the decease of one of the said families of children as aforesaid, then I will and ordain that the said proceeds * * * be equally divided between the two remaining families, the children of each family receiving, share and share alike, of such half to each family." At the time of the making of the will M. K. was dead, leaving three children who survived the testatrix. S. A. W. survived E. O. W., and died many years after the testatrix. All three of the said children of M. K. pre-deceased S. A. W., two of them intestate and without issue, and one leaving two children who survived S. A. W. E. O. W. had three children, one of whom died childless before the testatrix, and the other two survived S. A. W. S. A. W. had several children, one of whom died during her lifetime leaving children, and the others all survived her.

Held, that the period of distribution was the time of the death of M. A. W., and that the children of E. A. W. and M. A. W., then living, were entitled to the whole of the property, one moiety to each family, the members of each family sharing equally their moiety. *Jenkins v. Drummond et al.* 696.

WORDS.

"A building"—*Fire insurance—Tug boat.*]—See INSURANCE, 1.

"Agents"—See HAWKERS AND PEDLARS, 2.

"Disposal"—See CANADA TEMPERANCE ACT, 5.

"Dry goods."—See HAWKERS AND PEDLARS, 1.

"Imperial"—See TRADE MARK, 2.

"Owner"—See CERTIORARI, 2.

"Payable at Par."—See BANKS AND BANKING.

"Reasonable wear and tear."—See COVENANT, 1.

"Sale"—See CANADA TEMPERANCE ACT, 5.

"Sell, lease, or otherwise dispose of"—See CONSTITUTIONAL LAW, 1.

"Shall no longer apply"—See CERTIORARI, 2.

"Stored or kept"—*Fire insurance—Earth oil.*]—See INSURANCE, 1.

"Taking" of land by railway company.]—See RAILWAYS AND RAILWAY COMPANIES, 5.