

*Held*, affirming the judgment of STREET, J., at the trial, that under the rule in *Shelley's Case* N. M. took an estate in fee simple in the land, but reversing it so far as it held that there was a trust in favour of N. M.'s children.

*Held*, also, that by the terms of the will there was a restraint on alienation by sale, but not by mortgage.

*Held*, lastly that the executory devise in favour of N. M.'s children was void as a violation of the rule against perpetuities. *Meyers v. The Hamilton Provident and Loan Company*, 358.

3. *Devise — Forfeiture — Actual possession and occupation*—Possession by servant, caretaker, or worker on shares.]—S. M. had become entitled under T. C. S.'s will to certain property called "Clarke Hill," of which T. C. S. was owner when he died, and also to an undivided interest in certain other property of which T. C. S. was tenant in common. He also became entitled to a legacy under the following clause of A. H. S.'s will: "I will and direct that so soon as S. M. \* \* can and does take actual possession of the real estate and property \* \* under the will of T. C. S. \* \* my executors \* shall \* \* so long as he remains the owner and actual occupant of the said real estate pay over to him \* \* the annual sum of \$2,000 to enable, &c."—

*Held*, that this clause, read in connection with the will of T. C. S., referred only to the land of which T. C. S. was absolute owner, and not to the land he owned as tenant in common:—

*Held*, also, that actual possession and occupation of the land by S. M. was consonant with and satisfied by the possession of a servant or care-

taker, or even a worker on shares, and that S. M.'s temporary absence from the mansion house on the property, which was kept furnished and in charge of a servant, did not create a forfeiture. *Macklem v. Macklem et al.*, 482.

See TRUSTS AND TRUSTEES, 2.

#### WINDING-UP ACT (DOM.)

See COMPANY, 1, 2.

#### WINDING-UP ACT (ONT.)

See COMPANY, 2.

#### WORDS.

"Anything done under this Act."]  
—See HIDES.

"Branch."—See ASSESSMENT AND TAXES.

"Defect."—See MASTER AND SERVANT, 1.

"Given for a patent right."—See BILLS OF EXCHANGE AND PROMISSORY NOTES, 1.

"Mineral."—See MUNICIPAL CORPORATIONS, 3.

"Moving."—See MASTER AND SERVANT, 1.

"Owner or agent" in R. S. O. ch. 205, sec. 6.]—See PUBLIC HEALTH ACT.

"Person."—See PROHIBITION, 1.

"Personal property."—See ASSESSMENT AND TAXES.

"Place of business."—See ASSESSMENT AND TAXES.

"Total disability."—See INSURANCE, 1.

"Watercourse."—See WATERS AND WATERCOURSES, 1.

#### WORKMENS COMPENSATION FOR INJURIES ACT.

See MASTER AND SERVANT, 1, 2, 3.