

to *James* in fee, the whole being charged with the maintenance of the testator's widow and such of the children as continued to live on it; and with the payment of the purchase money payable on the lands devised to the sons who remained on and worked the farm: both charges being on the annual profits, not on the *corpus*; *James*, however, being entitled to insist that the lands devised to any of the sons who abandoned the farm should be sold and the produce applied in payment of lands devised to those who remained, and that any surplus of the produce not required for maintenance, and to pay off purchase moneys, was divisible between *James* and his mother in equal moieties:

Held, also, that the legacies to the daughters were payable out of the *corpus* of the estate devised to *James*.

Clark v. Clark, 17.

2. A testator by his will devised as follows: "Also it is my will, that when the aforesaid property be sold, that the interest be put to the clothing and schooling of my children, and to the support of my wife, so long as she remains my widow;" and by a subsequent clause named certain persons executors of his will; "and of the aforesaid estate and effects, and to apply the same according to the directions in the said will."

Held, that under these provisions the executors had full power to sell and convey the lands in fee, and that a child of the testator, born after the making of the will, was not a necessary party to the conveyance.

Glover v. Wilson, 111.

3. A testator (amongst other things) devised certain lands to each of his two younger children, and directed that the rents should be and remain to his widow or executors for the education and up-bringing of the devisees respectively until they were twenty-one, &c.; and he also left all the dividends and profits of his bank stock, &c., to his widow and executors for the same purpose. The residue of his estate was to be divided equally amongst all his children. The rents of the lands devised to one of the younger children were alone more than sufficient for his education and maintenance:

Held, notwithstanding, that he was entitled to a share of the dividends bequeathed; that, the whole income derived from the stocks being given, the gift could not, in favor of the residuary legacies, be construed as conditional on being needed for the purpose specified.

Denison v. Denison, 219.

[Affirmed on re-hearing. See post vol. xviii.]

4. A testator gave to his wife \$50 a year in lieu of dower, and directed that, if she should have a child to the testator,