

four daughters, shall be severally and separately valued; and if either one shall be found to have a greater proportion or share thereof than the other, he or they shall pay back to the other in such manner such amount as will make each one of them equal sharer of my real estate." On a bill filed for a declaration of the rights of all parties under the will, *Held*, that each child was entitled to an equal share of the estate devised.

Foster v. Emerson, 135.

2. A testator devised all his property to his widow for life, remainder to his two daughters and niece, with a power of appointment. By a codicil to the will the testator revoked that part of his will giving these parties the power of disposing of their portions, and declared that they should "not have the power of willing the same, saving and excepting they shall be married and have a child or children; and, further, should any or either of the aforesaid parties depart this life previous to their obtaining their various legacies, then and in such case the share or shares of the party or parties so departing this life shall go and devolve to the child or children of W. A. C. that shall be then alive at such decease." *Held*, that the daughters and niece took no interest until the death of the tenant for life, but that they had a power of appointment in the meantime in the event of their marrying and having children.

Christie v. Saunders, 464.

3. A testator by his will made a devise in the following terms:—"I

give, devise, and bequeath unto my grandson G. K. W., upon his attaining the full age of twenty-one years, and to his heirs for ever, all and singular, &c. (naming certain lands); and my executors are hereby required to make whatever use or benefit they can or may for the advantage of my said grandson during his minority, and pay to him, upon his reaching the age of twenty-one years, whatever the said lots may have produced of clear profit during the said term of his minority from the day of the death of my said wife Susannah." G. K. W. survived the testator, but died during his minority. *Held*, that he took a vested interest, descendable to his heirs.

Marcon v. Alling, 562.

4. A testator by his will, after making sundry devises and bequests, proceeded: "And I further leave to my son George all my plate and plated goods, books, and pictures, together with all accounts, papers, and personal effects that may be in my possession at the time of my death, always excepting household furniture, beds, bedding, and linen, and these I leave to my daughters (naming them), to be divided share and share alike: * * * and I further leave, give, and bequeath all my horses, cattle, cows, sheep, and farming implements to my two daughters," being those already named. *Held*, that the bequests to the son and daughters were specific, and that the residue, if any, was not disposed of.

McKidd v. Brown, 634.