the estate; that the property be appraised after my death. My will is that my wife, *E B*, so long as she remains my widow, shall have two cows kept for her maintain, with meat and flour, and wool, and every other necessary for her age and maintainance, and a girl, should her have one left her, and doctor if necessary. The family to be maintained on the place with every necessary thing for their use. That the younger branch of the family receive a common education equal with the rest of the family."

The evidence shewed that the property of which the testator was seised in fee at the time of his death consisted of the north-easterly fifty acres of lot number twelve, in the second concession of the township of East Flamborough, and of 150 acres, part of lot thirteen in the same concession. The testator lived on the last mentioned farm; appurtenant to, and, used with his dwelling house, there were a yard, garden, orchard, carriage house, and lane, containing in all about four acres of land.

Held, that the son, *J B*, was entitled to four acres only, not the 150 acres on which the dwelling house was situated.

Held, also, that the testator's children took vested interests in the real estate on the death of the father.

Bigelow v. Bigelow, 549.

9. A testator who owned lands in England and Ontario in fee simple, devised the same to his wife for life and after her decease gave and devised them unto his "right heirs for ever:"

Held, that the Act 14 & 15 Victoria, ch. 6, (Con. Stat., U. C., ch. 82,) under which the defendants claimed to share in the property, did not apply, and therefore the eldest son took the estates here as in England:

Held also, that even if the Act did apply, the common law heir was the party to take the estates under this residuary devise.

Tylee v. Deal, 601.