

tates over which testator has a general power of appointment: And so as to personal estate.

described in a general manner, shall be construed to include any real estate, or any real estate to which such description extends (as the case may be) which he has power to appoint in any manner he thinks proper, and shall operate as an execution of such power, unless a contrary intention appears by the Will; and, in like manner, a bequest of the personal estate of the testator, or any bequest of personal property described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description extends (as the case may be) which he has power to appoint in any manner he thinks proper, and shall operate as an execution of such power, unless a contrary intention appears by the Will.

Devise without limitation to pass to whole estate of testator.

XXVI. When any real estate is devised to any person without words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by Will in such real estate, unless a contrary intention appears by the Will.

Words "die without issue," &c., how to be understood in any Will.

XXVII. In any devise or bequest of real or personal estate, the words "die without issue," or "die without leaving issue," or "have no issue," or any other words which may import either a want or failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of issue, shall be construed to mean a want or failure of issue in the lifetime, or at the time of the death, of such person, and not an indefinite failure of his issue, unless a contrary intention appears by the Will, by reason of such person having a prior estate-tail, or of a preceding gift, being without any implication arising from such words, a limitation of an estate-tail to such person or issue, or otherwise: But this Act shall not extend to cases where such words as aforesaid import if no issue described in a preceding gift is born, or if there be no issue who lives to attain the age, or otherwise answers the description required for obtaining a vested estate by a preceding gift to such issue.

Proviso: such construction not to apply to certain cases.

Devise to trustee or executor to pass the whole estate of the testator.

XXVIII. Where any real estate is devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by Will in such real estate, unless a definite term of years, absolute or determinable, or an estate of freehold, is thereby given to him expressly or by implication.

Devise to trustee without limitation, or where the trust may continue beyond the limitation to pass the whole estate of the testator.

XXIX. Where any real estate is devised to a trustee, without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, is not given to any person for life, or such beneficial interest is given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by Will in such real estate, and