

## VOID SALE.

See "Father and Son."

[BY SHERIFF.]

In a suit setting aside a purchase made by a mortgagee at a sheriff's sale, and giving the parties interested in the equity of redemption liberty to redeem, the Court while granting that relief, refused actively to enforce the sale by requiring the mortgagee to give credit for the purchase money in reduction of his debt.

McLaren v. Fraser, 533.

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WAIVER.

See "Insurance," 2.

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WASTE.

See "Joint Tenant."

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WILL—CONSTRUCTION OF.

1. A testator devised a portion of his real estate to his widow and his eldest son *James*, jointly, and his heirs, "my wife *Jane* to have and to hold the aforesaid premises as long as she remains my widow for my wife's *Jane Clark's* support and my small children's support, to be accepted by her in lieu of dower; and after her death my wife's part will belong to my son *James Clark*, aforesaid. \* \* \* My son *James Clark*, aforesaid, will pay to my daughters [naming them] two hundred dollars each when they become the age of twenty-one years, that is, each as she becomes the age of twenty-one years." The testator then devised other real estate to his four younger sons, and proceeded to direct that his five sons should "remain on the old farm (the land devised to the widow and eldest son) and work together, and the proceeds of their work, except what is necessary for the maintenance of the family, that is, for food and clothing, is to pay for the land already purchased \* \* \* and if any of my sons aforesaid does not conform to this proviso \* \* \* then the property I have given and devised to him or them shall be sold by my executors hereinafter named, and the proceeds of the sale aforesaid shall be paid upon the land I have willed to those of my sons who fulfils this last provision:"

*Held*, that *James* took an estate in fee in one moiety of the land devised to him and his mother; that the widow took an estate during widowhood in the other moiety, with remainder