

- divided among them, share and share alike. The residue of the estate was to be divided equally between all his children, share and share alike, and the share of the daughter M. was to be equally divided between her children, they to pay the interest thereon at the rate of four per cent. per annum unto their mother, and the executors to pay her the interest of her share so long as it remained in their hands, if they should think she needed it for maintenance. The seven children were all alive at the date of the will, but four of them died before the testator, each leaving a child or children; the other three survived:—*Held*, that the gift to the children of the testator was not to them as a class, and that the children of those who predeceased the testator were entitled to take their parents' shares. The gift was to children as persons designated, and sec. 36 of the Wills Act applied. *In re Moffatt*, 15 O. L. R. 637, and earlier cases, distinguished. Method of construction adopted in *Gorringe v. Gorringe*, [1896] 2 Ch. at p. 347, adopted. *Wisden v. Wisden*, 2 Sm. & G. 396, followed.—2. That the interest payable by the son N. was to be paid annually upon the whole amount from time to time remaining unpaid.—3. That the executors, while the residuary estate remained in their hands, might exercise their discretion as to payment of interest on the daughter M.'s share. After payment to the children of the daughter M., they were not liable for payment of interest to her. *Re Bauman*, 1 O. W. N. 293, 493.—D.C.
28. Construction—Trust Fund Set apart and Invested—Interest to be Paid to Cestui que Trust—Accretion to Capital by Profit on Investment—Benefit of Remainderman. *Re Watkins*, 1 O. W. N. 334, 20 O. L. R. 262.—MEREDITH, C.J.C.P.
29. Widow—Validity of Marriage — Undue Influence — Testamentary Capacity—Costs. *Brown v. Warnock*, 1 O. W. N. 343.—C.A.
30. Devise—Legacies Charged on Land—Executors—Statute of Limitations—Vendor and Purchaser—Requisitions on Title—Waiver by Taking Possession. *Re Mulholland and Morris*, 1 O. W. N. 214, 20 O. L. R. 27.—BRITTON, J.
31. Questions Submitted to High Court—Documents Admitted to Probate—Jurisdiction—Surrogate Court—Revocation of Probate—Residuary Clause—Construction—Money in Bank.]—The letters probate issued by a Surrogate Court conclusively determine what documents constitute the last will and testa