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of their body," \* \* and should both die "without leaving living issue" then over in fee simple. The daughter died in the lifetime of her brother, without issue. The son married and had living issue, and conveyed in fee:—

*Held*, that an estate tail vested in the son, and that there was nothing in the will to give the words "die without leaving living issue," the meaning of "an indefinite failure of issue," and that the ultimate remainder in fee simple expectant on the estate tail, could be barred by the son.—*Re Fraser and Bell*, 455.

6. *Construction of—Children—Grandchildren—Issue—Legacy—Period of vesting.*—A testator devised and bequeathed his real and personal estate to his wife for life, or until remarriage, with powers of disposal; and by a residuary clause devised the residue—not specifically devised or bequeathed and not sold or disposed of by his said wife—immediately after her death or remarriage, to his executors to sell and convert same into money, and out of the proceeds pay a specific sum to each of his five sons and to divide the balance share and share alike between his three daughters, and if his said daughters should die before him or before said distribution leaving issue the share or shares of his said daughters so dying should be divided ratably and proportionately amongst the child or children of said daughter or daughters living at the time of said distribution, so that the issue of any of his said daughters who might be dead should receive her or their parents' share. The widow survived the testator and died without having remarried. A son, C. K. R., and a daughter, M., also survived the testator, but died

prior to the widow, the son leaving no issue, and the daughter a son F. and a daughter M. C., the said last named daughter having also died leaving two children:—

*Held*, that the word *children* here must be taken in its primary sense, *i. e.*, the immediate children of the testator, and excluded grandchildren, so that F. took the whole of his mother's share to the exclusion of the children of the daughter M. C.; and that the legacy to C. K. R. became vested on testator's death, payable on the widow's death, and that his personal representatives were entitled thereto. *Rogers et al. v. Carmichael et al.*, 658.

See INSURANCE, 4.

## WINDING UP.

See COMPANY.

## WORDS.

"Acquire."—See BANKS.

"Cause or matter."—See DIVISION COURTS, 2.

"Hold."—See BANKS.

"May."—See ASSESSMENT AND TAXES, 1.

"Not qualified."—See PARLIAMENTARY ELECTIONS.

"Peremptorily closed."—See COMPANY, 4.

"Personal actions."—See COUNTY COURTS, 2.

"Sabbath day."—See MUNICIPAL CORPORATIONS, 4.

"Usual custom."—See SETTLED ESTATES' ACT.