

DIARY FOR JULY.

- 1 Wednesday Dominion Day. Long Vacation, Ontario, begins.
- 3 Friday Quebec founded 1604.
- 5 Sunday *Fifth Sunday after Trinity*. Battle of Chippewa, 1814.
- 6 Monday Heirs and Devisee Commissioners sit, Ontario.
- 7 Tuesday Col. Simcoe, Lieut.-Gov., 1792.
- 9 Thursday Importation of slaves into Canada prohibited, 1793.
- 10 Friday Christopher Columbus born, 1447.
- 11 Saturday Battle of Black Rock, 1812.
- 12 Sunday *Sixth Sunday after Trinity*.
- 15 Wednesday Manitoba entered Confederation, 1870.
- 19 Sunday *Seventh Sunday after Trinity*. Quebec capitulated to the British, 1629.
- 20 Monday British Columbia entered Confederation, 1871.
- 22 Wednesday W. H. Draper, 9th C. J. of Q.B., 1863; W. B. Richards, 3rd C. J. of C.P., 1863.
- 23 Thursday Union of Upper and Lower Canada, 1840.
- 24 Friday Battle of Lundy's Lane, 1814.
- 26 Sunday *Eighth Sunday after Trinity*.
- 29 Wednesday Wm. Osgoode, 1st C. J. of U.C., 1792. First Atlantic cable laid, 1866.

REPORTS AND NOTES OF CASES

Dominion of Canada.

SUPREME COURT.

Ontario.]

[May 18.

COWAN v. ALLEN.

Will—Construction of—Executory devise over—Contingencies—“Dying without issue”—“Revert”—Dower—Annuity—Election by widow—Devolution of Estates Act, 49 Vict. (P.) ch. 22—Conditions in restraint of marriage—Added parties—Orders 46 and 48 Ontario Judicature Act—Practice—R.S.O. (1887) ch. 109, sec. 30.

A testator divided his real estate among his three sons, the portion of A. C., the eldest son, being charged with the payment of \$1,000 to each of his brothers, and its proportion of the widow's dower. The will also provided that “should any of my three sons die without lawful issue, and leave a widow, she shall have the sum of fifty dollars per annum out of his estate so long as she remains unmarried, and the balance of the estate shall revert to his brothers with the said fifty dollars on her marriage.” A. C. died after the testator, leaving a widow but no issue.

Held, reversing the judgment of the Court of Appeal, that the gift over in the last mentioned clause was intended by the testator to take effect on the death of the devisee without issue at any time, and not in the lifetime of the testator only; that it was no fit ground for departing from this prima facie