

# The Ontario Weekly Notes

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## HIGH COURT DIVISION.

MEREDITH, C.J.C.P.

JUNE 1ST, 1918.

\*RE KENDREW.

*Will—Construction—Real and Personal Property Devised and Bequeathed to Granddaughter “to be Held by her during her Life and at her Death to her Heirs and Assigns forever.”—Absolute Estate in Fee Simple in Real Property—Same Result in Regard to Chattel Property—Application by Trustee for Order Declaring Construction of Will—Personal Interest of Trustee—Costs.*

Motion by Arthur Tipling, who had been appointed, by an order of the Court, trustee to complete the execution of the trusts of the will of William Kendrew, deceased, upon the death of the remaining executor, for an order determining a question arising upon the terms of the will.

The motion was heard in the Weekly Court, Toronto.

T. R. Ferguson, for the applicant.

A. R. Clute, for Louisa Tipling.

T. N. Phelan, for Mark Tipling.

MEREDITH, C.J.C.P., in a written judgment, said that the applicant had made an attack upon the claims of his sister, Louisa Tipling, under the will of William Kendrew, who was their grandfather.

Under one clause of the will, two houses and half of the residue of the estate were to go to the applicant, the grandson, “and his heirs.” And, under the next following clause, two stores and the

\* This case and all others so marked to be reported in the Ontario Law Reports.