

by her children, legitimate ; and in case the said *M. S.* die without legitimate issue, then her interest in my estate shall revert back to the other legatees," &c.

Held, that *M. S.* took only a life-estate. *Ib.*

5. A testator bequeathed the annual income of all his estate, real and personal, to his widow during widowhood, subject to the payment of \$160 a-year to his father, and after the death of his father to his mother, and after the death of both his father and mother the annuity of \$160 was given in equal shares to *N.* and *J.*, a sister and niece of the testator, and he thereby made his annuity to his father and mother, as also the annuities to *N.* and *J.*, a charge upon all his real estate ; and directed his executors and trustees to pay or cause to be paid the net annual income of his estate ("after payment of the annuities as aforesaid") to his wife absolutely during widowhood.

Held, that in the event of the income of the estate proving insufficient to pay the annuities, the annuitants were entitled to have the same raised out of the corpus of the estate.

Jones v. Jones, 317.

6. A testator, amongst other devises and bequests, devised as follows :— "Secondly, I bequeath to my son, *Robert Little*, eighty-six acres of land (describing them), also one span of horses and one-half of my farming utensils : he is nevertheless subject to pay the sum of £112 10s. to my daughters, as hereinafter provided, the sum of £18 15s., to be paid annually, the first instalment to be made one year after my decease, until the whole is paid." He next devised to his son *John* fifty acres of land, together with one span of horses and one-half of his farming utensils, subject also to a charge of £112 10s. for his daughters. He then made several bequests in favour of his daughters and wife ; and if his unmarried daughters should die before their legacies were paid, *John* and *Robert* were to divide the unpaid sums equally between them. He then provided as follows : "Should either of my two sons *Robert* and *John* die without issue, I wish that their shares should be divided equally among my surviving children."

Held, that the sons took an estate tail, and not a fee simple subject to an executory devise over.

Little v. Billings, 353.

7. A testator desired that his executor should, "so soon after his death as might be found convenient, sell and convert all my estate into cash, and after paying my funeral and testamentary expenses, &c., will pay and deliver the rest and residue thereof to the Government and Legislature of the State of Vermont, one of the United States of America, to be disposed of by the said Government and Legislature as they shall deem best." The Legislature (the Senate and House of Representatives) of the State of Ver-