

FALCONBRIDGE, C.J.

JUNE 10TH, 1902.

WEEKLY COURT.

Re PADGET AND CURREN.

*Will—Construction—Life Estate.*

Motion under Vendor and Purchaser Act.

The question was as to the estate taken in certain land by James Charles Padget under the devise in the will of his father in the following terms:—

To my son James Charles all the south-east portion of aforesaid lot 15 in the 2nd concession Rideau front containing 125 acres, but excepting and reserving therefrom the one acre hereinafter reserved for my daughter Matilda McCaffrey, together with the east half of the rear 30 acres owned by me at the rear of lot 15 in the 3rd concession Rideau front, all in the said township of Gloucester, subject however to the following conditions and obligations, that is to say, that my son James Charles shall pay to his mother each year at such time or times as my said executors shall appoint, the sum of \$100 during her lifetime. That he, my said son James Charles, shall not and is hereby restricted from, at any time during his lifetime, selling, incumbering by way of mortgage or loan, or in any way raising money or money's worth on the said above described real estate, but he may farm-rent said farm property, and collect and enjoy said rent, provided in the event of my said son James Charles dying without leaving lawful heirs, the above described farm property shall become the property of my son Alexander, and in the event of his being married at the time of his death, but leaving no children, then and in such event my said son Alexander shall pay to the wife her dower value, but in the event of my son James Charles leaving issue, the above farm property shall pass to his children unclouded by conditions of title. My said son James Charles shall also be entitled to one-half share in barn hereinbefore mentioned, and the right of a roadway to and from said barn.

G. F. Henderson, Ottawa, for vendor.

J. Bishop, Ottawa, for purchaser.

W. J. Kidd, Ottawa, for executors and a devisee.

C. J. R. Bethune, Ottawa, for infants.

FALCONBRIDGE, C.J.—The interests of the infants would not be bound by any order on this motion, but, as the property in question is of small value, and treating the