

A devise of all real and personal property to the testator's widow, followed by a declaration that "my wish and desire is that she divide" in certain proportions amongst the testator's children, held to give a life estate to the widow, in order to prevent a complete exclusion of the widow who was evidently intended to be benefitted. *Wilson v. Graham*, 12 O.R. 469.

Similarly, a devise to A. generally, with a restraint on alienation and against waste, followed by a disposition amongst his children after his death, according to the discretion of the executors of the testator, gives A. a life estate only. *McPhail v. McIntosh*, 14 O.R. 312.

So, also, a devise on trust for sale, and to invest the proceeds for maintenance of the devisee and her children, and till sale to take the rents and profits for the life of the devisee, gives an estate for life only with a power of sale. *Re O'Sullivan*, 5 N.S.R. 549.

A devise of the "possession, use, and occupation" of land and all the rents and profits of all the estate to a widow "for the support of herself and children," with a proviso that if the rents and profits are not sufficient resort may be had to principal, and a direction that what remains at the death of the widow shall go to the children, gives a life estate to the widow. *Knapp v. King*, 15 N.B.R. 309.

Where, after a direction to convert, the testator bequeathed a portion of the proceeds to M. S., with a proviso that M. S.'s interest could not be transferable or transferred to any other person, but might be inherited by her children, and in case M. S. died without legitimate issue, then, that her interest should "revert back" to other legatees, it was held that M. S. took a life estate only. *Jeffrey v. Scott*, 27 Gr. 314.

Province of Manitoba.

KING'S BENCH.

Macdonald, J.] PEDERSON v. PATERSON. [31 D.L.R. 308.
Negligence—Nuisance—Automobile—Fright to horse by wrecked car—Unlicensed driver.

The leaving of a wrecked motor car on the side of the road is not necessarily negligence, nor does it amount to an unreasonable user of the highway, entitling the owner of a runaway horse, frightened by the wreck, to damages. Neither is the owner liable by reason that at the time the motor was wrecked it was being driven by an unlicensed driver.

Kilgour, K.C., for plaintiff.

Symington, K.C., for defendant.

ANNOTATION ON THE ABOVE CASE FROM D.L.R.

Anything which essentially interferes with the enjoyment of life and property is a "nuisance"; 29 Cyc. 1152. When it affects the rights enjoyed