

5. A testator devised certain real estate to his granddaughter; and, in case of her dying without lawful issue, he directed the property to be sold by his executors; and from the proceeds of such sales, and from such other of his property as might be then remaining in their hands, he directed certain legacies to be paid, and the remainder to be applied at the discretion of his executors to missionary purposes:

*Held*, that the contemplated "dying without issue" was a dying without issue living at the granddaughter's death.

**Chisholm v. Emery (In Appeal), 467.**

6. A testator, by his will, gave to his widow an annuity of \$4,000 in lieu of dower. His will contained certain devises, and gave other legacies and annuities which the testator charged on the whole of his estate not before devised, and he empowered his executors to sell any of his property which they should think necessary; the widow elected to take the annuity.

*Held*, that having so elected, she was not entitled to dower out of any of the testator's lands, whether devised or not:

*Held*, also, that the legacies and annuities were payable primarily out of the personal estate.

**Davidson v. Boomer (In Appeal), 475.**

7. A will contained the following bequest: "To *Richard O. Knight* I give my carpet, blankets, and whatever else I may have at his house." *Held*, that mortgages and a bank deposit receipt, which were in the house, did not pass.

**Smith v. Knight, 492.**

(See same point.—*Collins v. Collins*, 24 L.T.N.S., 780.)

8. A testator bequeathed a sum of money to his wife in lieu of all dower, &c., and revoked "all gifts or deeds or deed of gift of any real estate made by me at any time heretofore."

*Held*, that the widow was put to her election whether she would accept the bequest or retain an estate conveyed to her by a deed of gift during the lifetime of her husband.

**Lee v. McKinley, 527.**

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