

sentence, the sentence is to be treated as a whole, and not severed into parts; and the gift over to children and the gift over to heirs are direct alternative gifts, and not substitutionary. The term "brothers and sisters" indicates a whole class, embracing all brothers and sisters, both living and dead.

The remainders expectant on the termination of the widow's life estate vest at the earliest possible moment: *Kirby v. Bangs* (1900), 27 A.R. 17, 30, 31; *Re Bauman* (1916), ante 55. All the interests given by the will vested at the death of the testator. But the gift over to the "heirs of any brother or sister dying without children" was subject to be divested upon the death of any brother or sister without issue. While the testator's brothers Laurence and John and his sister Ellen took vested interests on his death, those interests, they dying childless, were divested in favour of their heirs, and became distributable among their heirs, who took, not by substitution, but as a direct alternative gift under the terms of the will. The will of Ellen was ineffective to pass any interest in the estate.

At the argument it was apparently assumed that the gift over to nephews and nieces was to be construed as if the will had read, "to my brothers and sisters and children of any who may have died prior to the period of distribution." But it might be that the reference was to the period of vesting. Further argument, written or oral as may be arranged, is required upon this question.

MIDDLETON, J.

JANUARY 19TH, 1917.

*RE WEST NISSOURI CONTINUATION SCHOOL.

Contempt of Court—School Trustees—Township Councillors—Continuation School—Failure to Obey Orders of Court—Obedience Tardily Yielded—Remedy under Rule 552—Costs.

Motion by certain ratepayers of the Township of West Nissouri to commit the trustees of the West Nissouri Continuation School for contempt of Court in disobeying a mandatory order made by MASTEN, J., directing them to discharge their duty by opening and carrying on the school; and a second motion was made to commit the members of the township council for contempt in disobeying an order requiring them to appoint members of the school board.