

Held, that the legacy did not lapse, but was a vested interest in the legatee, and as such went to his personal representative.

Pollard v. Hodgson, 278.

9. A testator gave to his wife the house which he possessed, with all the appurtenances thereof, and the house and town lot in, &c., "*and sixteen cords of good sound firewood yearly during her life time*;" such houses and lot to go to his only brother after the decease of his wife. He also bequeathed to his wife the interest of all money and securities for money that he might be possessed of at the time of his death, after payment of debts and funeral expenses; and the value of one-third of his personal property, being composed of * * and all other implements and utensils of husbandry; and after his wife's death directed his money to be divided among his cousins, viz., the family of his uncle *J. F.*, the family of *J. S.*, &c.

He then devised certain lands to his brother, being the only wooded lands he was possessed of: and by a codicil left \$200 to his wife in addition to the legacy given by the will. On a bill filed to obtain a construction of the will,

Held, that the annual supply of firewood did not form a charge upon any of the lands of the testator, but was to be provided for the widow out of the personalty; that the widow took absolutely one-third share of all the property other than money and securities for money, and not one-third of the enumerated articles only; and that the income of the other two-thirds up to the period of division belonged to those who were or might become entitled to the property.

Held also, that the gift of his money was to the cousins as a class, and that those living at his death took vested interests liable to be divested to the extent required to let in other cousins, of the families named, coming into existence before the death of the widow, the period of distribution; and that as the testator directed his wife to have one-third of the value of his property, which could only be ascertained by a sale, it was the duty of the executors to make such conversion; and as the gift was not to take effect till the death of the wife, the money the testator thereby meant to dispose of was not merely the money he possessed at the time of his death, but money belonging to his estate at the time of his wife's death, when all the personal estate would be, or ought to be, in the shape of money.

Ferguson v. Stewart, 364.

10. A testator directed the residue of his estate to "be distributed at the discretion of his executors to the support of Christianity throughout the world, such as Bible, tract, missionary societies, and institutions of learning of the Baptist denomination: