

valid condition or conditions attaches or attach thereto or limit it?

(5) Whether the condition that the lands and premises are "never to be sold" is void, or not.

(6) To whom, after the death of Bridget Ryan (now Mrs. Bridget O'Keefe), is to be given the ten pounds each year, (a) to the next of kin of Bridget Ryan, or (b) to the next of kin of the deceased testator; and what is the legal effect of this condition; and is not this whole gift itself void, as offending against the rule against perpetuities, or as too vague to mean anything?

(7) Whether the payment of £10 each year to Bridget Ryan, or to the next of kin, is a lien or charge upon lot 12.

(8) In case the payment of £10 each year cannot be made out of the yearly revenue or income from lot 12, how is the deficiency thereof to be made up, and upon whom is the loss to fall?

(9) Whether the administrators can and should sell and convey lot 12, pursuant to the powers in them vested, for the purpose of paying the costs and disbursements of the administrators and of the administration, and free from the claims of Bridget Ryan and of the next of kin of either Bridget Ryan or of the testator, so as to give to a purchaser thereof a good title in fee simple.

A. E. Lussier, Ottawa, for the Toronto General Trusts Corporation, administrators de bonis non with will annexed.

C. J. R. Bethune, for the official guardian representing the unascertained next of kin of Bridget Ryan (O'Keefe).

FALCONBRIDGE, C.J.—The will which has to be considered was not only not drawn by a lawyer, but was drawn by some illiterate person.

In answer to questions 1 and 2: the testator did not die intestate as to lot 12 on the east side of Dalhousie street, but by the words he used he intended to devise said lot 12 as therein set forth.

In answer to questions 3 and 4, I am of opinion that Stephen Corbit having died before the widow, who was the life tenant, there is a substitutional gift to the eldest son of Michael Corbit, who is therefore the person entitled, subject to the charge hereinafter mentioned: Underhill & Strahan, p. 224.