

was bound during her life to apply under the rule in *Shelley's Case* the proceeds of the mortgage for the proper support of herself and that daughter while unmarried, treating the principal and interest of the mortgage as a blended fund, and what remained was to be divided; and that the widow had the right to draw *bona fide* from the proceeds of the mortgage even if it consumed the whole of the *corpus*.

A matter involving the proper construction of a will cannot be brought up on petition under R. S. O. ch. 107, sec. 35. *Barclay et al. v. Zavitz et al.*, 663.

10. *Devise—Rule in Shelley's Case—Life estate.*—J. S. by his will devised as follows: "I will and bequeath to my son J. S., for the term of his natural life, the farm I purchased * * but if my said son J. should leave lawful heir or heirs, then said lands shall be equally divided among them on the death of their father, but if my said son J. S. shall die without leaving lawful heirs, then in that case I direct the said lands shall be sold, and the proceeds thereof to be equally divided among my remaining children or their heirs."

The son J. S. had been married for some years at the date of the will, and had a daughter after that date, who with her father was living at the time of the testator's death.

Held, that the devise J. S. took a life estate with remainder to his child or children; and not an estate in fee,

under the rule in *Shelley's Case*. *Smith v. Smith*, 677.

Lapse of legacy—Disposal of lapsed legacy by prior will.—See STATUTES OF MORTMAIN, 1.

WINDING-UP.

Company—Contributory—Laches—Delay in consummating transfer of shares in books of the company.—45 Vic. c. 23, D.—See CORPORATIONS, 1.

WORDS.

Express trustee.—See WILLS, 2.

Running at large.—See REFLECTION, 1.

Running at large.—See RAILWAYS AND RAILWAY COMPANIES, 6.

Sober, steady, and industrious.—See WILLS, 7.

Steadiness.—See WILLS, 1.

UNDUE INFLUENCE

Parent and child.—Alleged final settlement with child.—See FRAUD AND MISREPRESENTATION, 1.

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