

12. *Devise*—*Division of corpus after death of wife*—*Dower*—*Election*.]—A testator having by his will blended his real and personal estate into a fund from which payments of income were to be made to his wife and other devisees, postponed the division of the corpus until after the death of the wife:—

*Held*, that the wife was not bound to elect between her dower and the testamentary bestowments.

*Re Quimby, Quimby v. Quimby*, 5 O. R. 744, distinguished.

The testator also gave a house for the residence of his wife during her life, and also another house for the use of certain nephews and nieces until the youngest attained twenty-one, or until they married:—

*Held*, that this right of personal occupation of the nephews and nieces was, while it lasted, inconsistent with a claim of the widow to have one-third of the house set apart for her use as dowress, but that the deprivation of dower for a time in part of the real estate was not sufficient to put her to her election as to the residue of the estate.

*Cowan v. Besserer*, 5 O. R. 624, followed.

The widow was held put to her election as to both houses.

The judgment in *Amsden v. Kyle*, 9 O. R. at p. 441, corrected. *Leys v. The Toronto General Trusts Company*, 603.

#### WILLS ACT.

See WILL 5.

#### WINDING-UP ACT (Dom.)

See COMPANY, 1, 3.

#### WINDING-UP PROCEEDINGS.

See COMPANY, 1, 2, 3.

#### WORKMAN'S COMPENSATION FOR INJURIES' ACT.

See MASTER AND SERVANT, 1, 2.

#### WITNESSES.

*Absence of, to document intended as a will*.]—See INSURANCE, 4.

*Being interested*.]—See CRIMINAL LAW, 2.

*Devise to witness to a will*.]—See WILL, 11.

#### WORDS.

"*Absolutely*."—See WILL, 5.

"*Children*."—See INSURANCE, 6.

"*Construction*."—See DRAINAGE TRIALS ACT, 1891.

"*Die without issue*."—See WILL, 3.

"*Die without lawful issue*."—See WILL, 3.

"*In my lifetime*."—See WILL, 5.

"*In the event of her death*."—See WILL, 5.

"*Legal heirs*."—See INSURANCE, 1.

"*Letting, hiring, and otherwise departing*."—See RAILWAYS, 1.

"*Located and maintained*."—See RAILWAYS, 2.

"*Longest liver*," meaning of.]—See WILL, 3.

"*My property*" read into a will.]—See WILL, 2.

"*Other*," meaning of.]—See WILL, 3.

"*Owner*."—See LIEN, 3.

"*Operation*."—See DRAINAGE TRIALS ACT, 1891.

"*Payments*."—See LIEN, 2.

"*Place*."—See WILL, 6.

"*Sell and absolutely dispose of*."—See MORTGAGE, 1.

"*Survivor*," meaning of.]—See WILL, 3.

#### WRONGFUL ACTION.

See MALICIOUS PROSECUTION.