MIDDLETON, J.:—(1) Lot 16 can, I think, be regarded as referring to the land owned by the testator. Let it be declared that the south-west quarter of lot 16 in the 11th concession passed by the devise in question.

(2) The widow takes a life estate under the clause in question.

(3) "Then" in this will means "in that case" or "in that event," and does not refer to time. So read, the will does not require the aid of any cases in its construction.

Upon the death of the widow the property is to be divided between the daughters, if they are then alive. If either of them is dead leaving issue, such issue take; if leaving no issue, the daughter is given power of appointment by will, and her appointee or devisee will take. If the daughter dies without issue and without exercising this power, then there is as to her prospective share an intestacy, and this contingent estate is now vested in the son and daughters as the testator's heirs. This involves the reading of the word "them" as equivalent to "her" and "they" as equivalent to "she," but, in view of the disregard of all grammatical rules and the awkwardness manifested in the entire clause, this can scarcely be regarded as violence, and in no other way can effect be given to what the testator appeared to have intended. Because he had two daughters and intended the provisions to apply to each, he seems to have thought it necessary to use a plural pronoun.

An order is asked permitting sale under the Settled Estates Act. This may go, on the necessary papers being put in, and the consent of William being filed, or notice being given to him. His interest is merely nominal, as the daughters can, by their wills, deprive him of any possible interest, but he cannot be ignored.

The Official Guardian will be appointed to represent any unborn children of the daughters who would take in the event of either daughter predeceasing her mother, and the order can be framed so as to provide for the purchase-price being dealt with as the land is under the will.

Costs out of the estate.