To answer that affirmatively would be, in effect, to declare the codicil a nullity. Now, reading both together, I think not only that some effect can be given to the codicil, but that some if not all of what the testator intended can be carried out.

I therefore answer this question in the negative.

I also answer the second question in the negative. I think if the testator had intended to limit his purposes in the making of the codicil to the time of "coming into possession" he would have referred thereto in words that in some way imported that. Those he did use are obviously intended to have a wider scope, and point altogether in a different direction.

The third question is, whether the words in the codicil "die without male issue" create an estate tail male in favour of the applicant, which would enable him to bar the entail under R. S. O. 1897 ch. 122, and so become the owner in fee simple.

My answer to this question is, that the words "die without male issue" do not, of and by themselves, create an estate tail male, but that, the will and codicil being read as a whole, these words define, as the law then stood, the limitations of the estate that the will and codicil were intended when read together to create.

Evidently, they give, I think, an estate tail male to John Smith Read in remainder after the life estate to the widow. That came into possession of John Smith Read in 1886, and can be barred by John Smith Read as provided for by the statute referred to, and by virtue thereof he can convey the fee simple.

The 8th question is, whether the restrictions on sale are not repugnant and void in any event.

I think the restrictions on the sale of the lands are so repugnant to the estate or estates created as to be void. . . .

In answer to the 9th question, I think a valid conveyance of the said lands in fee simple can be made if executed by John Smith Read and his brothers Nicholas Robert Read and George McCleave Read and the surviving executors. . . .

[Reference to Theobald on Wills, 4th ed., pp. 341, 344; Little v. Billings, 27 Gr. 353; Nason v. Armstrong, 21 A. R. 182; O'Reilly v. Currie, 11 U. C. R. 55; Fraser v. Bell, 21 O. R. 455; Jarman on Wills, 5th ed., p. 860; Re Brown and Slater, 5 O. L. R. 386; In re Rosher, 26 Ch. D. 601.]