

A devise to A. "and his heirs and executors forever," proviso, "that he neither mortgage nor sell the place, but that it shall be to his children after his decease," was said to indicate an intention that A. should not have such an interest as would enable him to defeat his children, and therefore that he took an estate for life only, remainder to his children. *Dickson v. Dickson*, 6 O.R. 278. *Sed quare*, an estate in fee having been given by technical words.

A devise to a widow for life, followed by a devise of "everything real and personal within and without, and it is hereby understood that the property above described shall be under the control of my said wife. After the decease of my wife . . . to my nephew and his heirs," gives a life estate to the widow; the estate not being enlarged by the expression "everything real and personal," because the remainder was clearly given to the nephew. *Clow v. Clow*, 4 O.R. 355.

A devise to a widow for life, remainder to two sons "during the full term of their natural lives . . . and if either . . . should die not leaving heirs the issue of his own body, his surviving brother shall inherit his share . . . and after the decease of both of my said sons" sale and division of the proceeds amongst their heirs "then surviving." Held, a life estate for the joint lives of the two sons, remainder in fee to the persons answering the description of the heirs of the two sons at the death of the survivor of them. *Haight v. Dangerfield*, 5 O.L.R. 274.

A devise to a husband and wife "and to their children and children's children forever . . ." provided that the husband and wife should not be at liberty to convey, "as it is my will that the same may be entailed for the benefit of their children," gives a life estate to the husband and wife. The explanation that the "children" were to have a fee tail indicates that the words "children and children's children" are not words of limitation of the estate of the husband and wife. *Peterborough R. E. Co. v. Patterson*, 15 A.R. (Ont.) 571.

A devise to A. for life and at his decease to the "second male heir of him and his present wife and his heirs male forever, and in default of a second male heir to the eldest surviving female heir or child and her male heirs forever" gives A. an estate for life, remainder to a daughter (there being only one son) in fee tail male. *Re Brown & Slater*, 5 O.L.R. 386.

A devise to S. H. G. of "the use of my farm . . . also to his lawful children, and in case of his death without children, then to . . . daughters and their heirs forever," gives S. H. G. a life estate only. S. H. G. having the use, it was held that the children (of whom the only one at the date of the will was *en ventre*) could not share with him; nor could that child exclude after-born children who might be alive at the death of S. H. G. In order, therefore, to give both S. H. G. and all his children an interest, it was held that S. H. G. took a life estate, remainder to his children living at his death; and in default of such children, then over. *Gourley v. Gilbert*, 12 N.B.R. 80.

A devise to G. for life and if he marries to his wife for life, and on the death of both to his children and their heirs, gives G. a life estate, remainder to his wife for life, remainder in fee to children. *Re Sharon & Stuart*, 12 O.L.R. 605.