

repairs could be charged against the tenant for life. That part is \$445.67, made up of \$287.37 and \$158.30, on which the two years' interest would be \$53.40. This amount of interest, therefore, must be borne by the life-tenant. No other items making up the mortgage total were challenged, nor was any authority shewn for deducting the remainder of the interest from income.

The result was a small success to the appellants, and there should be no costs of the appeal.

As to the motion for leave to raise an additional sum of \$892.49, authority should be given to the executors. As the items making up this amount are set out in para. 11 of the present report, the Local Master can, when the accounts in regard to the payment of these items are passed, report whether they or any part of them, as well as any portion of the interest on the new mortgage, should properly fall upon the interest of the life-tenant. The costs of both parties to this application to raise and complete this mortgage, are to be taxed and may be added to the amount of \$892.49.

MIDDLETON, J.

OCTOBER 26TH, 1920.

RE ADDISON.

Will—Construction—Devise of Land to Son for Life and after his Decease unto "his Lawful Issue and their Heirs and Assigns"—Gift over in Event of Son Dying without Issue—Nature of Estate—Rule in Shelley's Case.

Motion by Austin Addison for an order determining the meaning and effect of a provision in the will of his father, Edmund Addison, deceased.

The motion was heard in the Weekly Court, Toronto.

T. R. Ferguson, K.C., for the applicant.

F. W. Harcourt, K.C., for the infants.

MIDDLETON, J., in a written judgment, said that the testator died in 1892, and by his will gave to his son Austin Addison, during his natural life, certain lands, fully described, subject to the right of his mother to occupy certain portions thereof and to certain charges in her favour. The gift to the son was followed by this provision: "After the decease of my said son Austin Addison I give devise and bequeath unto his lawful issue and to their heirs and assigns forever all the lands mentioned in the fourth clause of this my will"—i.e., the clause giving Austin the life-estate—"but subject nevertheless to the payment of one-third of the proceeds