

month, and not then if plaintiff in the meantime pays all arrears. The plaintiff is given one month to pay such arrears of interest and principal. Upon such payment the agreement will stand as to money that thereafter may become due thereon, but the old proceedings are at an end, and new proceedings, if taken, will be as to future default, if any. If arrears are not paid within one month the defendants will be at liberty to proceed as if this action had not been taken.

Thirty days' stay.

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HON. SIR JOHN BOYD, C.

MAY 28TH, 1914.

RE HARRISON.

6 O. W. N. 394.

*Will—Construction—Joint Tenants for Life—Tenants in Common in Tail—Remainder over.*

STREET, J., in *Ledley v. Brazel* under clause of will, "that the whole of said real estate . . . be held by my three daughters jointly. On the death of any of them the whole to fall to the survivors or survivor. If they all die without issue, then the whole to fall to the oldest son of John Harrison then living, *held* that the three daughters of the testator were joint tenants for life and tenants in common of the inheritance in tail with cross-remainder in tail among them, with ultimate remainder over to the oldest son of John Harrison.

BOYD, C., approved of above construction, where daughter Mary died unmarried, leaving will in favour of her sister Elizabeth, and thereafter daughter Margaret died, leaving a husband and two children, and thereafter daughter Elizabeth died, leaving three sons and one daughter.

*Held*, that (a) Children of Elizabeth are not entitled to whole of testator's real estate; (b) Children of Margaret take undivided moiety.

Motion by certain of the grandchildren of Frederick Harrison, deceased, for an order determining a question arising upon the construction of his will.

W. R. Meredith, for the applicants.

T. G. Meredith, K.C., for J. F. Brazel.

HON. SIR JOHN BOYD, C.:—The third clause of the will reads "that the whole of said real estate . . . be held by my three daughters jointly. On the death of any of them the whole to fall to the survivors or survivor. If