piece of property. The words, "The property on Hughson Street," read immediately before the death of the testator, would apply to all the lands on Hughson Street he then possessed, which, therefore, all passed to Robert Morrison; and the will should be thus read under R. S. O. ch. 106, sec. 26.

Per FERGUSON, J. — The will shews an intention on the part of the testator that his subsequently acquired property should be disposed of differently from the property vested in him at the time of the making of the will, and thus the "contrary intention" mentioned in sec. 26 of R. S. O. ch. 106, appears by the will, which consequently does not "speak or take effect as if executed immediately before the death of the testator." *Morrison* v. *Morrison*, 303.

4. *Devise—Estate in fee tail or fee simple—Vendor and purchaser—R. S. O. ch. 109.*]—M. C. by her will devised as follows: "First, I give and devise to my grandson J. C., the farm * * to have and to hold the same and every part thereof for and during his natural life, and after his death to the heirs of his body, should he leave any such, him surviving, and in the event of his leaving no such heirs, then the same and every part thereof is to be divided as fairly and equally as may be, amongst * * to have and to hold the same to them, their heirs and assigns forever; but my will and desire is that my grandson, J. C., shall not have or go into the possession * * until he shall have attained the age of twenty-five years, or five years after my death. Secondly, I give and bequeath to my son, J. C., $100 annually during his natural life, the same to be paid to him quarterly * * and to be a charge on the farm or homestead above devised to his said son John."

Held (reversing the decision of Proudfoot, J.), that the effect of the limitations was to give J. C. an estate tail, which he had barred as the result of his dealings with the land by way of conveyance. *Greenwood* v. *Verdon*, 1 K. & J, 74, distinguished.

Per PROUDFOOT, J.—"Heirs of the body" mean heirs of the body living at the death of J. C. J. C. took only a life estate, and his heirs of his body would take as purchasers a fee simple, if at J. C.'s death there were no heirs of his body, the estate would go to his then living brothers and sisters in fee simple. *Eden* v. *Wilson*, 4 H. L. C. 257, distinguished. *Re Cleator*, 326.

5. *Construction—Trust—Discretion—Failure of trust by death of trustee—Reference to Master to work out a scheme.*]—A testator having disposed of one-third of the residue of his estate, real and personal, devised and bequeathed the remainder to J. C., to hold to him, his heirs, executors, administrators, or assigns for ever in trust for the benefit of the testator's two sisters, and with all reasonable expedition to convert the same into money, and apply the same, or the proceeds thereof for the benefit of the said two sisters as he should consider just. And he directed that his other trustees should not enquire into or interfere with such distribution as J. C. might choose to make among the said two sisters, except when their concurrence should be necessary for conformity.

J. C. predeceased the testator.