

8. A testator devised certain real estate to his granddaughter; and, in case of her dying without lawful issue, he directed the property to be sold by his executors; and from the proceeds of such sales, and from such other of his property as might be then remaining in their hands, he directed certain legacies to be paid, and the remainder to be applied at the discretion of his executors to missionary purposes:

*Held*, that these provisions shewed a personal trust in the executors for the purposes specified, and that the contemplated "dying without issue" was a dying without issue living at the grand-daughter's death.

*Re Chisholm, 403.*

9. A testator gave one-fifth of his residuary estate, real and personal, to the heirs and assigns of A. and his wife, who were both living:

*Held*, that A. or his wife took no interest or power of appointment, but that their children living at the testator's death were entitled absolutely.

*Levitt v. Wood, 414.*

10. Where debts and legacies are charged on real and personal estate, and there is no direction to sell the real estate, the personalty is the primary fund to pay, and the realty is liable only in case of a deficiency.

*Davidson v. Boomer, 509.*

11. A testator, after giving certain personal estate to his wife, and devising his lands to his two sons and his daughter (all minors), subject to a life-estate to his wife, directed the residue of his personal estate to be equally divided between his two sons on their attaining twenty-one; and he further directed that if any of his children should die before attaining that age, then his or their share should be equally divided among the survivors; and if all should die he gave the whole on his wife's death to other relatives, whom he specified:

*Held*, that the two sons were entitled to the interest on the residuary personal estate for their maintenance during minority.

*Spark v. Perrin, 519.*

See also "Acknowledgment of Bargain by a Will."