

occupied and uninclosed farm bordering on a lake, upon a sandy beach formed there by the waters of the lake, and the course of which roadway was slightly varied from time to time by the rise and fall of the waters of the lake, is sufficient evidence of dedication of a right of way, and the breaking through of a small inland lake by which the road was cut across and a navigable channel created, was held not to deprive it of its character of a highway.—*Frank v. Corporation of Harwich*, 344.

See MUNICIPAL CORPORATIONS, 5, 11, 12.

WIDOW.

Right to administration.—See EXECUTORS AND ADMINISTRATORS.

WIFE.

See HUSBAND AND WIFE.

WILL.

1. *Devise*—*Legacies charged on real estate.*—A testator after devising certain pecuniary legacies and a home to two of his children until they came of age, provided as follows: "And I will and bequeath unto my daughter C. J., all my real estate and the remainder of my personal estate after the above legacies are paid."

Held, [affirming *ROBERTSON, J.*], that the legacies were charged upon the real estate. *Johnston v. Denman et al.*, 66.

2. *Construction*—*Life estate*—*Remainder to sons*—*Rule in Shelley's*

case.—A will contained the following clause: "To my son, G. W., I give and bequeath during his life time, the south-east quarter of said lot 4 before mentioned, and at his death to go to and be vested in his son W. C., or in case other sons should be born to my son G. W., then to be equally divided between all the boys."

Held, that G. W. took a life estate only, and that there was a vested remainder in fee in his sons, as a class, which would let in all born before his death. *Re Chandler*, 105.

3. *Construction*—*Devise*—*Restraint on alienation*—*Trust.*—After a devise to his son C., his heirs and assigns for ever, of certain lands, a testator added that his devise to C. was subject to this express condition, that he should not sell or mortgage the land during his life, but with power to devise the same to his children as he might think fit in such way as he might desire.

Held, that the case was governed by *Re Winstanley*, 6 O. R. 315, and that the property was not clothed with a trust in favour of the children, but the devisee took it in fee simple, with, however, a valid prohibition against selling and mortgaging it during his life. *Re Northcote*, 107.

4. *Construction*—*Specific bequest*—*Home*—*Maintenance.*—A testator bequeathed to his daughter "a home as long as she may remain single" in his dwelling house.

Held, that though in the case of an infant "home" would probably include maintenance, yet that the legatee in this case being of age, and there being no express words giving her maintenance after minority, she was not entitled to maintenance under the above bequest.