

question were used by the plaintiff to carry on his business as a dentist, and the defendant sought by parol evidence to shew that the external walls were excluded from the demise; but Eve, J., who tried the action, held that such evidence was inadmissible, and that the demise of the rooms included the external walls of the premises in the absence of any agreement to the contrary.

WILL—CONSTRUCTION—GIFT TO CHILDREN OF CHILD OF TESTATOR WHO “SHALL DIE IN MY LIFETIME”—CHILD DEAD, AT DATE OF WILL LEAVING CHILDREN.

In *re Williams, Metcalf v. Williams* (1914) 1 Ch. 219. By the will in question in this case the testator gave his residuary estate “in trust for all my children living at my decease, who being sons shall attain 21 years, or being daughters shall attain 21 years or marry. . . . Provided that if any child of me shall die in my lifetime leaving children who shall survive me and being sons shall attain 21 years or being daughters shall attain that age or marry, then in such case the last-mentioned children shall take equally the share which their parent would have taken if such parent survived me and attained the age of 21 years.” To the knowledge of the testator one of his sons was dead at the date of the will, leaving two children who survived the testator. The other children of the testator survived him, and some of them had attained 21 at the date of the will. The question was whether the two children were entitled to the share which would have gone to their father if he had survived the testator. Sargant, J., decided in favour of the two grandchildren, holding that the words “shall die,” did not necessarily import dying after the date of the will, and that as the words “shall attain 21 years” included those of the children who had already attained that age at the date of the will, so he thought the words “shall die” included the child who had already died at the date of the will. Nor did the fact that the testator by his will had given two small legacies to the two grandchildren contingent on their attaining 21, in the opinion of the learned judge, afford any indication of an intention to exclude them from participation in the residue.