

wife's maintenance, and subject to the maintenance of his younger children, and subject also to the legacies and bequests therein before contained :

*Held*, that the plaintiff's legacy was a charge on the farm.

**Jones v. Jones, 40.**

3. *Quere*, whether a provision for the maintenance of the testator's widow, charged on the real estate, is by implication in lieu of dower.

**McLennan v. Grant, 65.**

4. A testator devised his farm to his eldest son in tail, upon condition, amongst other things, that he should support the testator's widow during her life ; that she should be mistress and have the control of the dwelling-house on the farm, and should have the proceeds of one-half the cows and sheep kept on the premises ; that the farm should be a home for the testator's son *John*, so long as it might be necessary for him to remain, and for another son, *Donald*, should any misfortune happen to him :

*Held*, that the widow was not entitled to dower in addition to the provision made for her by the will.—*Id.*

5. Where a will does not dispose of the whole personalty, the executors are trustees for the next of kin, unless the will expressly shews that the testator intended they should take the residue beneficially.

**Thorpe v. Shillington, 85.**

6. The testatrix devised land to *A.*, his heirs and assigns for ever, subject to certain legacies, and declared her will to be that, in case *A.* died without leaving lawful heirs, his widow should enjoy the property during her widowhood ; and that on her marrying again the land should be sold, and the proceeds equally divided among such of the sons and daughters of the testatrix or their heirs as were living :

*Held*, that *A.* took an estate tail, and by means of a disentailing deed could give a good title to a purchaser of the fee.

**Dale v. McGuinn, 101.**

7. A testator directed his real estate to be sold, and the proceeds to be divided among his children ; but the share of one of them (*James*) he directed to be placed at interest for his benefit, and the interest to be paid by the executors to *James* every six months, and the testator directed that at the death of *James* his share should be equally divided between *A.* and *S.*, two of the testator's other children :

*Held*, that, the gift to *A.* and *S.* was vested and not contingent, and that *A.* having assigned his interest, and died before *James*, the interest of *A.* went to his assignee.

**Martin v. Leys, 114.**