

DIARY FOR AUGUST.

- 1 Saturday Slavery abolished in British Empire, 1834.
- 2 Sunday *Ninth Sunday after Trinity.*
- 3 Monday Battle of Fort Wm. Henry, 1757.
- 6 Thursday Thos. Scott, 4th C.J. of Q.B., 1804.
- 7 Friday Duquesne, Governor of Canada, 1752.
- 9 Sunday *Tenth Sunday after Trinity.*
- 11 Tuesday Battle of Lake Champlain, 1814.
- 13 Thursday Sir Peregrine Maitland, Lieut.-Gov., 1818.
- 15 Saturday Battle of Fort Erie, 1814.
- 16 Sunday *Eleventh Sunday after Trinity.* Battle of Detroit, 1812.
- 17 Monday Gen. Hunter, Lieut.-Gov., 1799. Last day for notice
for call and admission, Ontario.
- 19 Wednesday . . River St. Lawrence discovered, 1535.
- 23 Sunday *Twelfth Sunday after Trinity.*
- 25 Tuesday Francis Gore, Lieut.-Gov., 1806.
- 30 Sunday *Thirteenth Sunday after Trinity.*
- 31 Monday Long Vacation, Ontario, ends.

REPORTS AND NOTES OF CASES

Dominion of Canada.

SUPREME COURT.

Ontario.]

[May 18.

CRAWFORD v. BRODDY.

Will, construction of—Death without issue—Executory devise over—Conditional fee—Life estate—Estate tail.

A testator died in 1856 having previously made his last will which was sub-divided into numbered paragraphs and dated on the 27th May, 1852. By the third clause he devised lands to his son F. on attaining the age of 21 years—"giving the executors power to lift the rent and to rent, said executors paying F. all former rents due after my decease up to his attaining the age of 21 years"—and by a subsequent clause he provided that "At the death of any one of my sons or daughters having no issue, their property to be equally divided among the survivors." F. attained the age of 21 years and died in 1893, unmarried and without issue.

Held, that the sub-division of the will into sections or paragraphs could not authorize a departure from the general rule as to the construction of wills according to the ordinary grammatical meaning of the words used by the testator, and that, as there would be no absurdity, repugnancy or inconsistency in such a construction of the will in question, the subsequent clause limiting the estates bequeathed by an executory devise over must be interpreted as referring to the property devised to the testator's sons and daughters by all the preceding clauses of the will.

Decision of the Court of Appeal for Ontario reversed.