his Lordship relied upon the circumstances that the property was to be equally divided which it would not be if the second daughter was held to take an estate tail for in that case the reversion in fee in that moiety would be again sub divided between the heirs of the two daughters, but Mr Powell thinks it is difficult to accede to the reasoning which ascribes to the words of division this operation upon the construction, since they were merely applied to the corpus of the land and not to the inheritance and in the light of subsequent decisions which he reviews inserts the case is overruled and "that a devise to it for life remainder to his issue and the heirs of such issue with or without a limitation over is an estate tail in A" and adds "such a case can hardly again be deemed a proper subject for adjudication" He also contends that upon principle words of distribution annexed to the devise to the issue or any other expressions marking a mode of Enjoyment inconsistent with the course of Descent under an estate tail are equally inoperative with superadded words of limitation to turn the word issue into a word of designation, upon this question however he admits a conflict of authority but expresses a strong opinion that when the Courts in future come to deal with the word issue accompanied with words of modification inconsistent with an estate tail, the will reject the superadded words, But these views do not appear to have been adopted at least by the most recent English decisions for in Golder vs Cooper 5 Ducat 662 where a testator devised property to his daughter for life, and after her death to the issue of her body lawfully begotten to hold to them and their heirs forever as tenants in Common, and in default of such issue then over it was held the daughter took but a life estate, That case was decided by Sir J Romilly M R and his opinion is there briefly and emphatically expressed "I have always considered that where an estate is given to the ancester and there is a direction that it is afterwards to go to the issue of his body, and the mode in which the issue are to take is specified, with words added giving them the absolute interest, there the ancestor takes an estate for life and not an Estate tail, although there is a devise over in the event of the ancester not having any issue, No one can doubt that the word issue is here used as equivalent to children. I am of opinion the daughter takes an estate for life and that her issue take as purchasers an estate in fee simple as tenants in Common" So in the still more recent case of Bradley vs Cartwright 2 Com Pleas (Law Reps) 511 it was held that where an estate is given for life, and the remainder to the issue is accompanied by words of distribution and by words which would convey an estate in fee or in tail to the issue, the Estate of the first taker is limited to an estate for life; and that whether the estate is given in fee to the issue by the usual technical words heirs of the body or by implication

It may be as stated by Mr Powell that subsequent decisions in England have in effect overruled Loddington vs Keine, and that at the present time, the will before us would receive a different Construction in the English Courts but we have been referred to no decision in this Country, nor are we aware of any, in which that case has been overruled or its authority questioned. It is with others cited by Chancellor Kent as authority for the position that where the testator superadds words of explanation, or fresh words of limitation and a new inheritance is grafted upon the heirs to whom he gives the estate, the Case will be withdrawn from the operation of the rule 4 Kents Com 224. It meets an approving reference in the very able opinion of Yeates J. in Findley vs Riddle 3 Binney 156 where there was a devise A for life and if he died leaving lawful issue to his heirs as tenants in common and their respective heirs and assigns, and the Court held that it took only an estate for life with a contingent remainder to his heirs But what is more important to the decision of this case is the fact that the doctrine of Loddington vs Keine and other Similar Cases, has been repeatedly recognized and approved by the Courts of this State, in Horne vs Smyth 4 H & J 435 a case which Chancellor Kent cites as containing a learned and accurate exposition of the rule under