

2. The problem presented here is when the class closes. This is necessary in order to determine whether or not the gift is void as being against the rule of perpetuities. It also concerns the problem of vesting.

First we have a gift for life to two daughters A & S. Both of these ~~daughters~~ daughters have children at the death of the testator. Therefore since the gift to a person for life terminates to children and there are children at the death of the testator the class closes at the death of testator and not at the death of life tenant. The class having closed at the death of the testator the 10 children of A and the two children of S. comprise the class and it will not open for after born children. This is true because of the presumption that I. only intended to benefit those children that he knew.

Now the class having closed the question is what type of estate do they have? If it is only a contingent estate then it would be void as against the R. of P. but here there is