

of income to produce such annuity of \$500 would properly be made up out of the remaining corpus, or one-third of the estate, and be a charge upon the real estate until made up: Carmichael v. Gee (1880), 5 App. Cas. 588. In addition to the \$500 a year, the widow was entitled, at her election, under paras. 11 and 12, to the use of a residence to cost \$1,000, and of such of the furniture as might be reasonable, or the income on \$1,500, in lieu thereof.

No provision seemed to have been made in the will as to the distribution of what should remain of the one-third part of the estate; and there was an intestacy as to that.

The taxes on the homestead were payable out of the corpus of the testator's estate; and so were the expenditures for repairs and improvements to the real property of the estate.

Order declaring accordingly; costs of all parties of this application out of the estate.

HUNTER V. PERRIN—SUTHERLAND, J.—JUNE 30.

Arbitration and Award—Enforcement of Award—Delay—Motion for Judgment—Costs.]—Motion by the plaintiffs to enforce an award of the 2nd May, 1902, and for judgment for the amount found due by the arbitrator. The motion was heard in the Weekly Court, Toronto. SUTHERLAND, J., in a written judgment, said that there had been much delay in connection with this litigation, and there should be no more, if the case could now properly be disposed of. Having regard to the terms of the orders of FALCONBRIDGE, C.J.K.B., of the 27th April, 1917, and the 20th January, 1919, the motion was now properly before the Court. The facts stated in the affidavit of Henry A. Lavelle, sworn on the 7th May, 1919, and in the exhibits therein referred to, must be taken to be conclusively established. The motion should be granted, and an order made for the enforcement of the award and for judgment for the plaintiffs for the amount found due by the arbitrator, with costs of the motion, including the costs reserved by the order of the 20th January, 1919. W. La r, for the plaintiffs. H. D. Gamble, K.C., for the defendants.