

for the maintenance and education of each of the infants the same annual sum of money as they have, under the order before mentioned, been paying: that is, \$300 for the older and \$250 for the younger, so long as past conditions as to maintenance and education continue, up to the time of each, respectively, attaining the age of 21 years or marrying: and an order may go accordingly, upon the additional affidavits specified during the argument being filed: costs out of the funds—one-half from each.

MEREDITH, C.J.C.P.

JANUARY 12TH, 1915.

BRITISH AND FOREIGN BIBLE SOCIETY v. SHAPTON.

*Will—Construction—Gift of Whole Estate to Wife Subject to three Gifts Following it—Legacies Payable out of Real Estate after Wife's Death—Gift of Personal Estate Unexpended at Wife's Death to Charities—Reference to Ascertain Amount "Unexpended"—Judgment for Administration of Estate—Rights of Heirs at Law after Payment of Legacies.*

Motion for judgment on the pleadings and admitted facts in an action for the construction of a will and for other relief.

The motion was heard in the Weekly Court at London on the 19th December, 1914.

*J. MacPherson*, for the plaintiffs.

*F. W. Gladman*, for the defendant.

MEREDITH, C.J.C.P.:—Care should be taken, in all such cases as this, to adhere to the cardinal rule: that is, to give effect to the will-maker's will; to avoid converting it, under the guise of interpretation, into a court-made will: and that task is, in this case, not a difficult one.

That which the testator meant he seems to me to have made plain enough in the words he used to express that meaning.

At the outset he naturally provided for his wife's welfare after his death: he gave all he possessed to her, but not absolutely. His gift to her he expressly made subject to the three gifts following it: \$500 to his wife's niece, \$500 to one of his own nieces, or to another, or to the children of his brother, according