

The
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HIGH COURT DIVISION.

BRITTON, J.

JUNE 29TH, 1914.

RE LEISHMAN.

Will—Construction—Devise and Bequest to Son, Subject to Charge for Maintenance of Widow—"Comforts she has been Used to"—Ascertainment of Proper Sum for Maintenance—Powers of Court—Originating Notice—Rule 600—Additional Bequest to Widow of Life Income from Insurance Moneys.

Motion by Charlotte Leishman, widow of the late John Leishman, upon originating notice, for an order determining her rights and interests under her husband's will, as between her and her son Robert.

D. Inglis Grant, for Charlotte Leishman.

A. E. H. Creswicke, K.C., for the executors of John Leishman and for Robert Leishman.

BRITTON, J.:—The will is dated the 25th October, 1905, and the testator died in the latter part of the year 1909. At and before the time of the testator's death, he and his son Robert were carrying on, in partnership, at Bracebridge, a hotel and livery business, each owning an undivided one-half of that business, its plant and property.

The following is a copy of the will:—

"I direct that my just debts and testamentary expenses be paid by my executors hereinafter named, as soon as possible after my decease.

"I give devise and bequeath my undivided interest in the hotel property known as the Albion Hotel and the lands con-