

divided as part of the general estate. She was alive at the expiry of the two months, and to that \$500 she (or her estate) was entitled. She was not alive at the end of the three months, and her estate could not claim that sum.

To which period were the words "if not living" to be referred? As the particular period was not expressed, it must be found out from other parts of the will, if possible. "If" imports a condition, and the condition indicated was, that the money was to be paid to herself only. The only other possible alternative would be that she survived the testator; but the testator knew that she was living, and he said in effect that the money should be paid to her only if she was living at the times appointed for subsequent payment. The last clause was not a repugnant but an explanatory one, and made his meaning clear.

Order declaring that the first \$500 belonged to the estate of Miss Milburn and that the last \$500 fell to be divided equally between the four children (sons and daughters).

Costs out of the estate.

MIDDLETON, J., IN CHAMBERS.

SEPTEMBER 24TH, 1915.

*RE PINSONNEAULT.

Life Insurance—Disappearance of Beneficiary—Endorsement Made by Insured in Favour of Beneficiary two Years after Disappearance—Presumption of Death—Trust—Time for Commencement of Seven-year Period—Evidence—Onus.

A benefit certificate or policy upon the life of Napoleon Pinsonneault for \$2,000 was issued by the Catholic Mutual Benefit Association in December, 1909, the \$2,000 being made payable \$500 to Zuluma Pinsonneault, his wife, and \$500 to each of his sons, Joseph, Louis, and Hector. By endorsement upon the policy, made shortly after its issue, the direction as to payment was revoked, and the money was made payable to the wife and to Hector, \$1,000 each. The insured died on the 8th February, 1912. The association paid the wife her \$1,000, and retained the other \$1,000, Hector having disappeared in August, 1907, and not having since been heard from, although he had been advertised for. Before leaving his home, he had said to some of his relatives that they might never see him again.

A motion was now made by Zuluma Pinsonneault and the