

devises, and the children could sell only the interest which was vested in them and subject to be divested in the event mentioned.

These conclusions sufficiently answered the several questions submitted.

Costs out of the estate.

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RIOPELLE V. RIOPELLE—LENNOX, J.—FEB. 3.

*Husband and Wife—Alimony—Cruelty—Findings of Fact of Trial Judge—Rate of Monthly Payments Fixed in Judgment—Leave to Apply.*—An action for alimony, tried without a jury in Ottawa. LENNOX, J., in a written judgment, examined the evidence with care, and found that the defendant had assaulted his wife, the plaintiff, and that she had reasonable ground to fear that she would be assaulted again, that her health would be impaired, and that the defendant might execute his threats if she attempted to live with him again. There was no offer by the defendant to take the plaintiff back since she left him. On the contrary, he charged her with adultery, and at the trial made sweeping imputations and produced evidence which the learned Judge entirely discredited. Judgment for the plaintiff for alimony at the rate of \$40 a month, beginning from the date of the commencement of the action, but deducting such sums as had been paid by the defendant, with costs to be taxed on a solicitor and client basis. Either party may apply to have the judgment varied if changed circumstances justify it. J. W. Gauvreau, for the plaintiff. O. A. Sauvé, for the defendant.