

The will was dated 20th January, 1861, and was as follows:

"First that my wife Mary Corbit shall have all the right title and privilege of renting for her own use and support during her lifetime all the houses on this lot on letter O lot No. 17 South Dalhousie with all furniture goods and chattels whatsoever. This premises is never to be sold. Mrs. Corbit shall have it as long as she lives. After her death I will it to Steven Corbit or the oldest son of Michael Corbit and that the same shall be bound to pay the sum of ten pounds per year to Bridget Ryan eldest daughter of Bill Ryan Montreal during her lifetime and after her death to the next kin. Lott No. 21 South Patrick street to John Corbit. Ashburnham Hill property to John Franklin after the first of May, 1861. The fifty pounds which will be paid to Mr. Lees on the first of May next is to be laid out as directed in head stone and other necessary expenses under the direction of William Kennedy and William Garrett. I leave six pounds to Steven Garrett son of William Garrett. After Mrs. Corbit's death all the funds is to be given to Fany Franklin. If there is not sufficient sum of money to pay all the debts, John Corbit shall for his share pay any deficiency out of the lot on St. Patrick street. . . ."

The questions raised by the motion were as follows:—

(1) Whether the testator died intestate as to lot 12 on the east side of Dalhousie street, letter O, Ottawa.

(2) Whether the testator intended, by the words he used in his will, "Lot on letter O lot No. 17 South Dalhousie," to devise lot 12 to his widow for life, and after her death to Stephen Corbit or to the eldest son of Michael Corbit; and whether the will in fact sufficiently expressed, by the words of such devise, such intention so as to pass and devise lot 12 to his wife for life, and after her death to Stephen Corbit, or the eldest son of Michael Corbit.

(3) And in case the Court decrees that the answer to question 1 is "no," and to question 2, "yes," to whom does lot 12 devolve, and to whom should the administrators convey the same?

(4) In case the Court decrees that the eldest son of Michael Corbit, that is to say, James Corbit, or that the descendants of Stephen Corbit, or either of them, is or are entitled to lot 12, after the death of the testator's widow, what is the estate to which James Corbit, or to which the descendants of Stephen Corbit, is or are entitled, and what