

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—I find that the plaintiff has proved all the material allegations in the statement of claim. I give judgment for the plaintiff in terms of the prayer of the statement of claim, with costs against defendants John C. and Maude Milligan.

The death of Nancy since the trial has removed her contentions from the arena. I think I should have held, in any event, that she had elected to take under the will. The plaintiff was willing, if she had lived, to pay her \$100 a year as claimed in paragraph 3 of the counterclaim.

No costs for or against the defendants other than John C. and Maude Milligan.

Thirty days' stay.
