

I. F. Hellmuth, K.C., for the defendant.
 McGregor Young, K.C., for the plaintiff.

THE COURT modified the judgment below by directing that, instead of an account being taken, the \$500 referred to in the judgment be paid by the plaintiff to the defendant, in addition to the \$200 ordered to be paid. With this modification, the judgment was affirmed. The defendant to pay the plaintiff's costs up to and including the judgment below. No costs of the appeal to or against either party.

HIGH COURT DIVISION.

BRITTON, J.

MARCH 22ND, 1913.

RE LACASSE.

Will—Construction—Devise to Wife—Condition as to Re-marriage—Residuary Devise—Vested Estate in Fee Subject to be Divested.

Motion by the executors of the will of Napoleon Lacasse, deceased, under Con. Rule 938, for an order determining a question arising upon the construction of the will.

J. U. Vincent, for the executors and the widow.
 A. C. T. Lewis, for the Official Guardian.

BRITTON, J.:—Napoleon Lacasse died on the 6th October, 1906. His will was made on the day immediately preceding his death, and is as follows:—

“I revoke all former wills or other testamentary disposition by me at any time heretofore made, and declare this only to be and contain my last will and testament.

“I direct that all my just debts funeral and testamentary expenses be paid and satisfied by my executors hereinafter named as soon as conveniently may be after my decease.

“I give devise and bequeath all my real and personal estate of which I may die possessed in the manner following that is to say:—

“First, my wife Leocadie will have and possess everything that belongs to me during her natural life—if she does not change her name, but if she shall get married everything shall be