

nected therewith being lot number fifteen on the westerly side of Main street part of lot number fourteen on the westerly side of Main street part lot number ten on the north side of Thomas street and part of lot number one on the easterly side of Manitoba street together with all my interest in the furniture chattels fixtures in said hotel also in the horses rigs and other chattels to my son Robert subject to his supporting and keeping my wife Charlotte during the remainder of her natural life in a suitable and proper manner according to her station in life and so that she may have the comforts she has been used to.

“I further give devise and bequeath my life insurance in the Ancient Order of United Workmen amounting to two thousand dollars and my insurance in the Independent Order of Foresters amounting to one thousand dollars which are both payable to my wife Charlotte to my son Abial subject to a life interest therein to my said wife it being my desire that she shall use and enjoy the income from said moneys during her lifetime and that after her death the principal shall go to my said son Abial.

“I further give devise and bequeath to my said son Robert any moneys I may have in the Bank of Ottawa together with the residue of my property of whatsoever kind and wheresoever situated.

“And I hereby nominate constitute and appoint Isaac Huber and Henry B. Bridgland both of the town of Bracebridge aforesaid to be the executors of this my last will and testament contained on this and the preceding page.”

The executors have not taken any active part in the administration of the estate. Robert states, and it is not denied, that the money in the bank at the time of his father's death was not sufficient to pay his father's debts and the funeral expenses. Robert gives what appears to me a fair and candid statement of what he has contributed and done in the maintenance of his mother since the death of his father. Robert's statement is practically accepted as to the money payments, but the mother complains that she is not being supported and maintained in a suitable and proper manner according to her station in life, and that she is not being supplied with “the comforts she has been used to.”

The testator has charged his property with such maintenance, and Robert has accepted the property subject to the charge. The question is, is Robert doing his whole duty under the circumstances? I am of opinion that he is not, and that the mother's