

the argument that the gifts to Missions were intended for the Missions of the Presbyterian Church, the testator being a Presbyterian.

MIDDLETON, J.:—Declare that, according to the true construction of the will in question, in the events that have happened:—

(1) The bequest to Mary Campbell of \$2,000 debentures and the Boyd mortgage fails by reason of the testator having disposed of them in his lifetime.

(2) The widow took the money in the Dominion Permanent and Huron and Erie companies absolutely.

(3) The widow had a life interest in the stock in the Dominion Building and Agricultural societies, and upon her death this stock falls to be divided under the last clause of the will.

(4) As to property of the testator not specifically dealt with by his will, he died intestate.

(5) That the gifts to Knox Church, Foreign Missions, Home Missions, and French Evangelization are good charitable bequests, and that the Presbyterian Church in Canada takes the three last for its Foreign, Home, and French Evangelization funds.

It should be shewn that Knox Church has a debt, as the gift is only toward the Church debt.

Costs out of estate—administrator's as between solicitor and client.

LATCHFORD, J.

JUNE 2ND, 1910.

RE ROSS.

Marriage Settlement—Construction—Power of Appointment—Exercise by Will—General Devise and Bequest—Quebec Law—Domicile—Settlement Executed in Ontario.

Motion by the trustees under the marriage settlement of Thomas Ross and Ellen Eliza Creighton (both now deceased) for an order determining the following questions:—

1. Is Ann Jane Clayton (formerly Ann Jane Ross, and so described in the marriage settlement) now entitled to the whole of the capital fund settled?

2. Or did the settlor, Thomas Ross, by the settlement, effectively reserve to himself a power to appoint the fund to the exclusion of Ann Jane Clayton?

3. If such power of appointment was effectively reserved by the marriage settlement, did the will of Thomas Ross operate as an effective exercise of the power of appointment, having in