been doubted (see per Kay, J., in In re Judkin, 25 Ch. D. 750, and per Farwell, J., in In re Parker, [1901] 1 Ch. 410), nothing is said in any way qualifying the above statement. Humble v. Shore, 7 Hare 247, an unwarrantable graft upon this rule, by which the express direction of the testator that the lapsing share of the residue should fall into the residue and be distributed as part of the remaining shares of the residue could not be given effect to, was finally overruled in In re Allen, [1903] 1 Ch. 276; and probably Skrymsher v. Northcote will not be followed when the case of a lapsed legacy out of a share in the residue comes to be considered; but there is no warrant for augmenting the remaining shares of a residuary gift by reason of the lapse of one share, unless the will contains some provision shewing that this is the testator's intention.

The other legatees survived the testator, and their shares were vested, and upon death passed to their personal representatives, i.e., the executors of such as died testate and the administrators of those who died intestate.

The fund may now be distributed. The share of Mary M. Bradley to be paid to her executors, and the shares of Adam H. Brown and J. W. J. Brown to their administrators, upon production of letters of administration to their respective estates.

The Clerk in Chambers may inquire and ascertain the next of kin of the testator, and distribute the remaining one-fourth among them, making a schedule of distribution as in the case of a report.

If so desired, a separate order may issue dealing with the other shares so as to avoid any delay incident to this inquiry; and in this case there will be a reference to ascertain the next of kin, and an order for payment in accordance with the report.

Costs of this motion out of the fund. Costs of the inquiry out of the one-fourth share.

As the motion was presented without any explanation or discussion by counsel, I shall be glad to hear them, if any point has been overlooked.