

Archdeacon Richardson was present at the hearing in the interests of the General Fund of the Church of England in the Village of St. Johns.

KELLY, J., in a written judgment, said that by his will Thomas Colbert made several specific money bequests to various persons, and these further bequests:—

“(5) I give and bequeath unto my executors and trustees . . . the sum of \$2,000 in trust to purchase a home for my nephew George Colbert . . . to be used by him during his lifetime, and after his death then I give devise and bequeath the same unto Margarite and Winnifred daughters of the said George Colbert.

“(6) I give and bequeath to my niece Kate Colbert wife of my nephew Thomas Colbert . . . the mortgage now held by me against the lands or farm upon which she lives . . . to be applied towards the support and maintenance of herself and her children as she may see fit.”

“(8) I give and bequeath unto my niece Catherine Macfarlane . . . the mortgage now held by me against the lands of the Benjamin Colbert estate.”

“(14) I give and bequeath unto the General Fund of the Church of England in the Village of St. Johns . . . the sum of \$500.”

“All the residue of my estate not hereinbefore disposed of I give devise and bequeath unto all the legatees and devisees hereinbefore mentioned in this my will in proportion to the amount or value hereinbefore given devised or bequeathed to him or her in this my will.”

The executors submitted the following questions:—

(1) Are George Colbert and Margarite and Winnifred Colbert entitled to share in the residuary estate, and, if so, in what proportions?

(2) If George Colbert and Margarite and Winnifred Colbert are entitled to share in the residuary estate, how ought their share in the residuary estate to be paid or secured to them?

(3) Is the General Fund of the Church of England in the Village of St. Johns entitled to a share in the residuary estate?

(4) Does Kate Colbert take the interest accrued and unpaid at the testator's death, on the mortgage given to her by para. 6; and does Catharine Macfarlane take the interest accrued and unpaid at the testator's death, on the mortgage given her by para. 8?

George Colbert and his daughters agreed that all moneys coming to them from the residue of the estate should be divided