

are others. By a codicil to the will the testator directed that the houses built by him in Fredericton bringing in rents should not be sold during his wife's life, but that the rents should be devoted toward her \$1,200 a year allowance. This portion of the real estate will therefore form part of the property distributable on the widow's death. Clause 4 of the will deals with the residue of the property, that is what is not specifically devised in clauses one and two, and as to this residue the will provides that it be held "upon trust that my trustees will deal with all the residue of my property—or estate—both real and personal in manner and form following—that is to say, that they shall divide it as fairly as possible into seven equal shares, which shares are to be dealt with by my trustee in the following manner." Then follow specific directions which I may state generally. The trustees, or the survivors, are to pay over to each of the four sons, one share, but if either of them predeceased him leaving children under age then the trustees are to hold the share and pay the interest to the guardian of the youngest child for the benefit of all until the youngest child became of age, when the trustees were to divide it among the children. Similar provisions were made as to the widow of a child who was to have the income for life or during widowhood. The other three shares the trustees were to retain and keep separate—one for the benefit of each daughter, and to pay the annual income to such daughter during life for her separate use. Then followed provisions to be observed in case of the death of a daughter before the testator leaving children, similar to those made in the case of the sons. By a second codicil the testator directs that on the division of the estate property as far as it can be, his three children, G. Linden Fenety, Walter Pierson Fenety and Georgina C. Fenety should be provided for first—that is to say, each shall receive \$10,000 as their first instalment, which sums shall be severally paid to them in cash or as otherwise may be agreed upon or as may be most convenient to the executors. The trustees were also empowered to vary and transfer any security or securities they may hold and each of them was only responsible for his own default. The testator also declared that all trusts and powers reposed and vested in the trustees might be exercised by the survivor or survivors of them or the heirs, executors or administrators of such survivor or other the trustees or trustee for the time being of the will.