

In the Supreme Court of British Columbia.

On Appeal to the Divisional Court.

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In the matter of the trusts of the Will of James Ellard, late of the city of New Westminster, deceased, and in the matter of the Trustee Act, 1850, and

BETWEEN

ROBERT DICKINSON AND GEORGE TURNER,
Plaintiffs,

AND

MARY ELLARD, JAMES ELLARD, ANNIE ELLARD,
SIDNEY ELLARD, ADA ELLARD, REUBEN ELLARD,
(appellants) JAMES WILTON, HARVEY AND ESTHER
HARVEY, his wife, (respondents)

Defendants.

STATEMENT.

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James Ellard late of the City of New Westminster, deceased, departed this life on or about the 10th day of January, A. D. 1878, having first duly made and executed his last Will and Testament, dated the 26th day of June, A. D. 1873, and with two Codicils thereto dated the 28th day of May, A. D. 1877 and the 10th day of January, A. D. 1878, respectively, whereby he appointed Robert Dickinson and George Turner Trustees and executors thereof.

Previously to his death the said testator had carried on business at a dry goods merchant at the city of New Westminster under the name of James Ellard & Co.

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On the codicil to his will be directed the said executors to carry on said business for the benefit of his wife and children and to receive the profits thereof and in the first place to pay to James Wilton Harvey in consideration of his managing said business and in further consideration of his wife minding his children and acting as housekeeper to them as hitherto a sum equal to one fourth of the profits of said business yearly.