

or seised of, to my said executor and trustee to sell the same as soon as conveniently may be after my decease, and to divide the proceeds thereof in equal shares amongst my children, namely," (8 in all, naming them, including) "Edith Shannon . . . subject to the conditions and limitations hereinafter mentioned

"4th. I hereby direct my said executor and trustee, the said James Forestell, to pay the share of my said estate hereinbefore bequeathed to my said daughter Edith Shannon, who is an inmate of the insane asylum at Kingston, to Rev. Father Whibbs, parish priest of Campbellford, upon the following trusts: firstly, to pay so much thereof as may be necessary for providing proper clothing for my said daughter Edith Shannon while she is an inmate of the said asylum, provided, however, that in case my said daughter Edith Shannon dies before her share of my said estate so bequeathed to her is exhausted by the payments hereinbefore mentioned, then I bequeath the remainder of her said estate to the said Rev. Father Whibbs, to be applied by him towards the liquidation of the debt on the Roman Catholic Church in the village of Campbellford, and I hereby direct that the receipt of the said Father Whibbs shall be a good and valid discharge to my said executor and trustee for the payment by my said executor of the share of my said estate so bequeathed as aforesaid to my said daughter Edith Shannon."

Edith Shannon died in the lifetime of the testator. It is now contended by the other children, heirs and devisees of the testator, that her share lapsed, and that Father Whibbs takes nothing under the last mentioned clause of the will.

In the earlier part of clause 3 it is clear that Edith Shannon would have taken her share absolutely, had she survived the testator, but for the conditions and limitations mentioned in clause 4, and it is this share bequeathed to her which the executor is directed to pay to Father Whibbs, upon trust, first, to pay so much thereof as may be necessary for providing her with proper clothing while an inmate of the asylum; provided, however, that in case she dies before her share of the estate so bequeathed to her is exhausted by the payments thereinbefore mentioned, then the remainder of the share is bequeathed to Father Whibbs.

It will be seen from the wording of this clause that the trust upon which Father Whibbs held her share was to