

such son or daughter to my said trustees in trust for such of the children of such son or daughter and in such shares as he or she shall by will appoint, and in default of any such appointment in trust for such children in equal shares, with power to the trustees for the time being of this my will to lease or sell any land which they shall so hold in trust, and invest the proceeds of any sale in manner hereinafter mentioned, and apply the income of the share to which any of such children shall be presumptively entitled for his or her maintenance and education during his or her minority and to pay such share to him or her on attaining majority."

The testator by a codicil dated in October, 1893, altered his will as follows:—

"I hereby alter and amend my said will and provide that my son William Duncan McRae shall be charged with any and all sums of money in which he may be indebted to me at my decease, or which then stand charged against him in my books, and remain unpaid, and whether barred by the Statute of Limitations or not, and all such moneys are hereby charged against any and all the property, real and personal, devised or bequeathed to him, and the benefits he may take under said will, and shall be deducted therefrom and paid thereout so that he shall only receive the balance remaining after such deduction or payment."

William Duncan McRae was at his father's death indebted to him in the sum of \$11,870.35.

The parcel of land devised by the 4th clause of the will to William Duncan McRae for life is the only property devised to him, and the fee simple thereof is not worth the amount of his indebtedness.

The other beneficiaries under the will contend that the indebtedness of William Duncan McRae is charged upon the said parcel in fee simple, and not merely on the life estate therein devised. William Duncan McRae and the official guardian, acting for his children, contend that the indebtedness is charged only on the life estate of William Duncan McRae in the property.

The beneficiaries interested under the will, to wit, William Duncan McRae, Walter Ross McRae, Ernest John Bright McRae, Jessie Riddell McRae, David Haig McRae, Allan Haddin McRae, and Margaret Angelique McRae, are all living and of full age, and their children are all infants represented by the official guardian, who has also been appointed to represent any unborn grandchildren of the deceased.