

2. Is the legatee, Helen Grace Fleming (formerly Helen Grace Gillespie) entitled under the clause of the will of said testatrix numbered 3 to the motor car owned by the said testatrix at the time of her death, or does said motor car form a part of the undisposed of residue of the estate of the said testatrix?

3. Is the devisee, Helen Grace Fleming (formerly Helen Grace Gillespie) entitled under the clause of the will of the said testatrix numbered 7 to all the freehold and leasehold houses with the lands belonging to or held with the same in Canada which belong to the said testatrix at the time of her death, or is the said devisee, Helen Grace Fleming, put to an election in respect of the two leasehold properties and two freehold properties owned at the time of her death by the said testatrix.

Hamilton Cassels, K.C., for executors.

G. F. Shepley, K.C., and H. S. White, for Mrs. Fleming.  
Glynn Osler, for Mrs. Paterson and McDougall.

J. F. Edgar, for Mrs. Dora Bell and the descendants of deceased brothers and sisters of the father and mother of Miss Greenshields.

HON. MR. JUSTICE LATCHFORD:—Miss Greenshields made her will on March 21st, 1902, and died on February 9th, 1914. James J. Greenshields, a brother of the testatrix, died on August 20th, 1913; and owing to his death an intestacy has arisen in respect to part of the estate, amounting to about \$50,000. The first question to be disposed of is what persons are entitled to share in this undisposed residue?

The father and mother and all lineal ancestors of the testatrix had predeceased her, and no brother or sister, and no child of any brother or sister, survived the deceased.

Both the father and mother of Miss Greenshields had brothers and sisters of the whole-blood, and her mother had brothers and sisters of the half-blood; but all such uncles and aunts predeceased the testatrix. Several of them, however, left descendants, one of whom is Mrs. Bell. Mr. Edgar, who appeared for Mrs. Bell, was appointed by the Court to represent for the purposes of this motion the descendants of the deceased brothers and sisters of the whole and half-blood of both the parents of the testatrix.

Geraldine Paterson and Hartland St. Clair McDougall are respectively a sister and a brother of the half-blood of