

Turning back, then, I find, from a clause already quoted, that this mortgage, as to the times for payment of interest and the time within which the principal money must be paid, fits in exactly with the provisions in favour of Donald B. Campbell, and that any sum up to \$9,000 of the funds so to be invested may be lent to Moses Bricker.

The result, as I understand, is, that the will shews that the testatrix intended to create a trust fund for the purposes specified; and, as the trustees are authorised to lend as much as \$9,000 out of this trust to Moses Bricker, the total trust investment must at least be as much as \$9,000.

As to the first question, therefore, I am of opinion that the trustees must set aside a fund out of the estate of the testatrix not specifically disposed of, for the benefit of Donald B. Campbell, and contingently for the benefit of Wycliffe College; and that, subject to the question of a deficiency of assets, the sum to be set apart or set aside as such trust fund is the sum of \$9,000.

If the estate of the deceased not specifically devised or bequeathed, after payment of the debts of the deceased and of her funeral and testamentary expenses and of the costs of administering her estate, and after payment of the pecuniary legacy of \$3 per month to Bella Doherty, as mentioned in the will, and after providing for payment of legacy and succession duties as mentioned in the will, is not sufficient to provide for the setting apart of the whole of this sum of \$9,000, and for payment in full of all the pecuniary legacies or bequests set out or provided for in the will—other than the legacy to Bella Doherty as aforesaid and other than the \$4,000 bequeathed to Mildred Bell, which is specifically charged upon and payable out of the real estate—the said trust sum or fund of \$9,000 and the said several pecuniary legacies or bequests shall all abate pro rata, and the sum to be set aside as a trust fund shall be \$9,000, less its said proportionate abatement.

The annuity or annual payments to Sarah McGarven may delay final distribution, but can create no embarrassment, as the principles above stated apply to the fund set apart to produce income for this purpose, when it falls in.

I am not aware that anything further is desired of me. If there is, I may be spoken to before the judgment is entered up.

There will be costs to all parties out of the estate; to the executors as between solicitor and client.