

The petitioners are the executors of Thomas Brown's executor. W. J. Brown and Thomas Brown are sons of the testator and brothers of the six daughters designated as legatees in the will. Two of these daughters, who had married, died during the lifetime of the widow Sarah Ann Brown, namely: Elizabeth Ann, who died without issue on the 26th of April, 1911, and intestated and leaving her surviving her husband the said George P. Leith; and Mary who died intestate on the 3rd day of February, 1897, and leaving her husband said James Hamilton and her infant son said James Thomas Hamilton her surviving. Sarah Ann Brown died on the 17th of October, 1912.

The distribution to be made then depends upon whether or not the shares of the deceased daughters vested at the time of the testator's death. I am clearly of opinion that these shares became vested at that time. This is a case in which the enjoyment of the gift by the six daughters "is only postponed to let in some other interest" as was said in *Packham v. Gregory*, 4 Hare 339, and the gift vests at once. *Vide* decisions in *Leeming v. Sherratt*, 2 Hare 14; *Mory v. Wood*, 3 Bro. C. C. 473, and *Rogers v. Carmichael*, 21 O. R. 658. This point being decided the distribution of these two shares presents no peculiar difficulty. If, however, it is desired that I should direct the actual distribution in detail, counsel for the executors may file a schedule for my approval and to be incorporated in the order.

The costs of all the parties will be paid out of the estate—the executors' costs as between solicitor and client.

MASTER-IN-CHAMBERS.

JUNE 6TH, 1913.

GROCOCK v. ALLEN & CO. LIMITED.

4 O. W. N. 1406.

*Trial—Postponement of—Reasons for—Terms.*

MASTER-IN-CHAMBERS granted a postponement of a trial at request of defendants where plaintiff had been dilatory in bringing the action to trial and defendants shewed that they required to procure certain necessary witnesses from England.

Motion by defendants to postpone trial "and if necessary for an order for commission to take evidence in England" of five of the directors of the defendant company or of some of them.