

being only one of the persons who would be entitled upon an intestacy, the presumption of a life-interest in favour of the husband did not arise.

Though this rule stood in the way of the husband becoming entitled to the whole of the residuary estate for his life, the testatrix had shewn an intention that he should not be deprived of all benefit therefrom, and that the residuary estate which was to go to the daughter on the husband's death was that part of the estate, as it stood at the death of the testatrix, not augmented by the income arising from it during the husband's lifetime.

That being so, the residuary estate during the husband's lifetime devolved accordingly, and during that period the income thereon should go to the husband and daughter as on an intestacy with respect thereto.

The questions should be answered: (1) No; only to part of it. (2) To the husband and daughter as upon an intestacy in respect of the income. (3) No.

Order accordingly; costs of the application to be paid out of the estate—those of the executor as between solicitor and client.

MULOCK, C.J. EX., IN CHAMBERS.

FEBRUARY 17TH, 1921.

DOUGHTY v. DOUGHTY.

Pleading—Statement of Claim—Particulars—Action for Alimony—Charges Made against Defendant—Rules 141, 142—Affidavit—Practice.

An appeal by the defendant from an order made by the Master in Chambers upon an application by the defendant for particulars of the statement of claim.

J. A. Macintosh, for the defendant.

G. T. Walsh, for the plaintiff.

MULOCK, C.J. EX., in a written judgment, said that the action was for alimony. The statement of claim did not give particulars of any act or acts relied upon, but simply charged the defendant with "adultery, infidelity, and misconduct." Under the former Chancery practice such particulars were required to be set forth specifically in the bill of complaint, and evidence of other acts was not admissible: *Rodman v. Rodman*, 20 Gr. 428.