

The estate was given to trustees, and the daughter, Charlotte S. Mara was given a life estate, and a general power of appointment by deed or by will and the executors were directed to convey in accordance with the appointment "in the event of my daughter C. S. dying."

Proudfoot, for the vendors.

Singer, for the purchaser.

HON. MR. JUSTICE MIDDLETON:—If she has made no appointment, either by will or deed, and dies unmarried there is a gift over, and if she dies married, and leaving children, or their issue, there is a gift to them.

The power of appointment being general and exercisable either by will or deed, the daughter is in substance the sole person beneficially entitled, and when she conveys her life estate, and executes a deed of appointment she is entitled to call upon the trustees to convey in pursuance of her appointment. They hold in trust for her, and her appointee.

The only difficulty arises from the direction in the will that the executors shall convey at her death. There is nothing to prevent the appointment being made at any time, and I think nothing to prevent a conveyance of the legal estate at any time to the appointee, who is solely beneficially entitled. What was really in the testator's mind, was the fixing of the death of Charlotte as a time when a new duty would arise in the executors, if she had not made an appointment, either by deed or will.

I think a good title can be made by a properly drawn conveyance.

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MASTER IN CHAMBERS.

FEBRUARY 24TH, 1913.

SHANTZ v. CLARKSON.

4 O. W. N.

*Discovery—Further Examination—Relevance—Mental Condition of Plaintiff.*

MASTER IN CHAMBERS refused to order plaintiff to attend for further examination for discovery, holding that all relevant questions had been sufficiently answered.