

It was clear that the executors had an estate pur autre vie for the lifetime of the widow, followed by a remainder in trust to convey to C.P.A.; C.P.A. had an equitable vested remainder in fee. She could, therefore, call upon her trustees to convey as she should direct: Lewin on Trusts, pp. 580 sqq.

As to the widow's rights, they were that the trustees should hold the land during her lifetime and pay her the income; this being a trust in which she was the only cestui que trust, she might give up all her interest, and then the trustees might convey—so long as they did not interfere with the rights of the remaindermen. She agreeing with the widow, the trustees could and should convey.

No question of public policy or of special direction in the will arose, and the property could be dealt with as though under a settlement.

The title was good; the vendor should have his costs.

---

MULLEN CO. v. PULLING—KELLY, J.—Nov. 26.

*Discovery—Examination of Officer of Plaintiff Company—Refusal to Answer Questions—Amendment of Pleadings—Direction to Answer Certain Questions—Attendance for Re-examination—Costs.*—Motion by the defendants for attachment against Norval J. Mullen, superintendent of the plaintiff company, for refusal to answer certain questions put to him on his examination for discovery on the 16th October, 1919, or to compel him to attend at his own expense and answer the questions, and to refresh his memory for further examination, and to produce certain books and documents in his possession, as required by a notice to produce served on his solicitors. The motion was heard at Sandwich on the 30th October. Subsequent to Mullen's examination, the defendants launched a motion for leave to amend the defendant Pulling's defence and counterclaim: this latter motion came on at Sandwich on the 21st October, and leave was given to amend, and the trial was then postponed to the ensuing non-jury sittings at Sandwich. KELLY, J., in a written judgment, said that in the form in which the pleadings appeared at the time of the examination, and down to the amendment of the 21st October, it was doubtful whether some of the questions to which answers were now sought had such relevancy to the matters then in issue as made it obligatory upon Mullen to answer them. In the amended form, however, the scope of the record had been enlarged, and all the questions referred to in the notice of motion, except numbers 10, 12, 48, 56, and 121, should now be answered, to the extent of the deponent's